S. Hrg. 101-82

PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 286

TO ESTABLISH THE PETROGLYPH NATIONAL MONUMENT IN THE STATE OF NEW MEXICO, AND FOR OTHER PURPOSES

ALBUQUERQUE, NM, APRIL 28, 1989

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PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

FRIDAY, APRIL 28, 1989

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Albuquerque, NM.

The subcommittee met, pursuant to notice, at 1:35 p.m., in the Albuquerque Public Schools TVI Board Room, 717 University Boulevard, S.E., Hon. Jeff Bingaman presiding.

OPENING STATMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Senator Bingaman. This is a hearing of the Subcommittee on Public Lands, National Parks and Forests of the Senate Energy and Natural Resources Committee. First, I want to express my appreciation to Senator Dale Bumpers, who is the subcommittee chairman, and to Senator Johnston, who is the Chairman of the Full Committee, for agreeing to hold this hearing today here in New Mexico.

The purpose of the hearing is to receive testimony on S. 286, legislation introduced by Senator Domenici and myself to establish the Petroglyph National Monument. Congressman Schiff has introduced identical legislation in the House side.

This legislation would create the Petroglyph National Monument along the West Mesa escarpment outside of Albuquerque as a unit of the National Park System. It provides for the inclusion of lands identified for acquisition by the State of New Mexico and the City of Albuquerque. The Secretary of Interior is authorized to enter into cooperative agreements with Federal, State, and local public departments and agencies to manage and interpret the monument and its resources.

The National Trust for Historic Preservation has identified this area as one of the 11 most endangered historical places in our country. The rock art remains remarkably intact but is subjected to ever increasing damage because of the encroaching development. Damage by gunfire, attempts to remove the rocks, and the use of heavy equipment for residential and commercial development are some of the many threats to this unique historic area.

It has been estimated that between 15,000 and 17,000 petroglyphs can be found along the 17-mile-long volcanic escarpment on the West Mesa. This area is one of the most richly endowed prehistoric rock art sites in the United States, perhaps in the world. The rock art is dramatic, complex, and unique in content. The figures are numerous and bold.

The religious roots of Pueblo and Hispanic cultures are also visible along this excarpment. Many petroglyphs are from the Pueblo III and Pueblo IV periods, dating from 1300 to 1650 A.D. Some of the rock art dates to the Archaic period. A great number of the figures are of continuing significance to the Pueblo people. Cruciform petroglyphs carved by early Spanish colonists are found on the same sites as prehistoric Indian rock art.

The City of Albuquerque, the State of New Mexico and the National Park Service and public-spirited groups such as the Friends of the Albuquerque Petroglyphs, under the strong leadership of Ike Eastvold, the Albuquerque League of Women Voters, and the Albuquerque Chapter of the Sierra Club, those organizations have worked hard to preserve this unique area. Yet, there is a need for immediate Federal action if we are to preserve the area for future generations.

This legislation we will consider today is to enable us to protect critical segments of the escarpment and immediately adjacent lands with a working partnership between the City of Albuquerque, State of New Mexico, and the Federal Government.

Before we begin this hearing, we need to take care of a couple of administrative details. To expedite the hearing, witnesses will, for the most part, testify in panels. When your name is called, please come forward and take a seat and bring any written statement that you have at that time. The staff will collect the statements and distribute them to us. Because of the large number of witnesses that we have scheduled today, it will be necessary to limit oral testimony as much as possible, preferably to five minutes per witness. We have a timer here to help us keep track. It does not buzz, I'm told, but there are lights that go on to indicate we need to keep moving. Please keep an eye on that, if you would, and help to expedite the hearing.

The hearing record will remain open for two weeks for additional comments, additional statements that people want to submit in writing. If anyone wants to submit a statement, he can send it to my office or Senator Domenici's office here in Albuquerque or Washington, D.C., or to the Senate Energy and Natural Resources Committee in Washington, D.C.

[The text of S. 286 follows:]

II

101st CONGRESS
1st Session

S. 286

To establish the Petroglyph National Monument in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 31 (legislative day, January 3), 1989

Mr. Domenici (for himself and Mr. Bingaman) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Petroglyph National Monument in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act shall be cited as the "Petroglyph National Monument Establishment Act of 1989".

(b) The Congress finds that—

(1) the nationally significant Las Imagines National Archeological District on Albuquerque's Northwest Mesa Volcanic Escarpment contains more than fifteen thousand documented prehistoric and historic petroglyphs;

(2) this district also contains approximately 65 other archeological sites;

(3) the State of New Mexico has shown great leadership by recognizing the importance of the archeological resources of the Northwest Mesa Volcanic Escarpment through the establishment of the Las Imagines National Archeological District;

(4) the city of Albuquerque has played a significant role in the preservation of the natural, cultural, and recreational resources of the Northwest Mesa Volcanic Escarpment;

(5) the Middle Rio Grande Pueblo Tribes have shown a strong and sincere interest in preservation of their heritage through protection of the Northwest Mesa Volcanic Escarpment;

(6) the Atrisco Land Grant, now held by Westland Development Co., Inc., a corporation whose stock is owned primarily by heirs of the Atrisco Land Grant, has played a significant role in the settlement of the West Mesa area since the grant's formation in 1692 and has shown a strong interest in the preservation of their traditional lands;

(7) the National Park System has no unit established for the specific purpose of protecting, preserving, and interpreting prehistoric and historic rock art; and

(8) it is appropriate that such a unit be established at the Northwest Mesa Volcanic Escarpment near Albuquerque, New Mexico.

SEC. 2. (a)(1) In order to preserve, for the benefit and enjoyment of present and future generations, that area in New Mexico containing the nationally significant West Mesa Escarpment, the Las Imagines National Archeological District, a portion of the Atrisco Land Grant, and other significant natural and cultural resources, there is hereby established the Petroglyph National Monument (hereinafter referred to as the "monument") as a unit of the National Park System. The monument shall consist of approximately 5,150 acres generally known as the Atrisco Unit and as depicted on the map entitled "Boundary Map, Petroglyph National Monument", numbered NM-PETR-80,010 and dated January 1989, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico, and in locations throughout the monument as appropriate.

(2) Upon application by the city of Albuquerque, New Mexico, to include the lands described on the map referred to in paragraph (1) as the Piedras Marcadas Unit and upon a

determination by the Secretary of the Interior (hereinafter referred to as the "Secretary") that all lands and all interests therein have been acquired, the Secretary is authorized to extend the boundaries of the monument to include such lands by publication of a notice in the Federal Register.

(3) Upon application by the State of New Mexico to include the lands described on the map referred to in paragraph (1) as the Boca Negra Unit and upon a determination by the Secretary that all lands and all interests therein have been acquired, the Secretary is authorized to extend the boundaries of the monument to include such lands by publication of a notice in the Federal Register.

(b) Within 6 months after the enactment of this Act, the Secretary shall file a legal description of the monument designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a) of this section. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico, and in the monument office: *Provided*, That the Secretary may from time to time, after completion of the plan referred to in section 5(a) of this Act, make minor adjustments to the boundary by publication of a revised map or other boundary description in the Federal Register.

SEC. 3. (a) The Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by donation or exchange. Where the surface and subsurface estates of any private lands to be acquired are separately owned, the secretary shall not accept title to the surface estate of such lands until he has acquired the subsurface estate underlying the lands.

(b) The Secretary may exchange lands within the area described on the map referred to in section 2 as the Piedras Marcadas Unit for lands owned by the city of Albuquerque, New Mexico, within the area described on the map referred to in section 2 as the Atrisco Unit. The Secretary may exchange lands within the area described on the map referred to in section 2 as the Boca Negra Unit for lands owned by the State of New Mexico within the area described on the map referred to in section 2 as the Atrisco Unit. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

SEC. 4. (a) The Secretary shall administer the monument in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and this Act.

(b) The Secretary is authorized to enter into cooperative agreements with either the State of New Mexico or the city of Albuquerque, New Mexico, under which the Secretary may manage and interpret any lands owned by the State of New Mexico or the city of Albuquerque, New Mexico, within the boundaries of the monument.

(c) In order to encourage a unified and cost effective interpretive program of the natural, cultural, and recreational resources of the West Mesa Escarpment and its environs, the Secretary is authorized to enter into cooperative agreements with other Federal, State, and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of these resources. Such agreements shall include, but need not be limited to, provision for the Secretary to develop and operate interpretive facilities and programs on lands and interests in lands outside the boundaries of the monument, with the agreement of the owner or administrator thereof. Such cooperative agreements may also provide for financial and technical assistance for the planning and implementation of interpretive programs and minimal development related to those programs.

(d) Prior to acquiring ownership of land or any other form of interest in land within the boundaries of the monument, the Secretary is authorized to acquire a leasehold interest in such land by donation from its owners for the purpose of providing immediate protection against trespass and vandalism and initiating any resource inventories necessary to carry out the purposes of this Act.

SEC. 5. (a) Within 3 years from the date funding is made available for the purposes of this section, the Secretary, in cooperation with the city of Albuquerque and the State of New Mexico, shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the monument consistent with the purposes of this Act, including, without limitation—

(1) a description of lands and interests in lands adjacent or related to the monument whose protection by appropriate State or local governmental entities is

deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of this Act;

(2) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(3) a general interpretive program;

(4) a plan to implement the joint resolution entitled "American Indian Religious Freedom", approved August 11, 1978 (42 U.S.C. 1996); and

(5) a general development plan for the monument and the estimated cost thereof.

(b) The management plan shall be prepared in consultation with the appropriate Indian tribes and their traditional cultural and religious authorities, the heirs of the Atrisco Land Grant, and the New Mexico State Historical Preservation Office.

(c) The Secretary shall undertake research on other Rio Grande style rock art sites in New Mexico and provide the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, within 3 years of the date funding is made available for the purposes of this section, a report that—

(1) lists various locations of Rio Grande style rock art;

(2) identifies the ownership of the rock art;

(3) identifies the condition of the resources; and

(4) identifies the appropriate type of technical assistance needed for the protection and care of these resources.

The report shall be updated and transmitted to such committees every 2 years thereafter.

SEC. 6. In recognition of the past use of the monument by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to the monument by Indian people for such traditional cultural and religious purposes, consistent with Public Law No. 95–341 (42 U.S.C. 1996). As part of the plans prepared pursuant to section 5, the Secretary, in consultation with appropriate Indian tribes and their traditional cultural and religious authorities, shall define the past cultural and religious uses of the monument by Indian people.

SEC. 7. (a) There is established the Petroglyph National Monument Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall be composed of 6 members appointed by the Secretary for terms of 5 years as follows:

(1) one member, who shall have professional expertise in historic preservation, appointed from recommendations submitted by the Governor of the State of New Mexico;

(2) one member, who shall have professional expertise in historic preservation, appointed from recommendations submitted by the mayor of the city of Albuquerque, New Mexico;

(3) one member, who shall have professional expertise in Indian history or ceremonial activities, appointed from recommendations submitted by the All Indian Pueblo Council;

(4) one member, who shall have professional expertise in the history and management of land grants, appointed from recommendations submitted by the Westland Development Co., Inc.;

(5) two members, one of whom shall have professional expertise in historic preservation and one of whom shall have professional expertise in Indian rock art.

(b) Any member of the Commission may serve after the expiration of his term until his successor is appointed. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Four members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall, from time to time, meet with persons concerned with Indian history and historic preservation and with other interested persons.

(f) The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. Sections 9(c) and 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) The Commission shall advise the Secretary on the management and development of the monument. The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the monument.

(h) The Commission shall cease to exist 10 years after the date of its first meeting.

Sec. 8. The first sentence of section 202 of Public Law 100–225 (16 U.S.C. 460uu–12) is amended by deleting "and Zuni-Cibola National Historical Park" and inserting "Zuni-Cibola National Historical Park, and Petroglyph National Monument.".

Sec. 9. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

○

Senator BINGAMAN. Let me call on my colleague, Senator Domenici, then I will call on Congressman Richardson and Congressman Schiff, who are here today to join in the hearing. Senator Domenici has been the initiator of this legislation that I have cosponsored with him. I am very pleased he is here to participate in the hearing.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Thank you very much, Mr. Chairman. Before I make my remarks, I wonder if you might let me acknowledge some people in the audience. I have been told that there are 34 students here from the Santa Fe Indian School. I believe they are accompanied by Debbie Hill. We welcome you. I don't intend by this observation, with our chairman, to select out a group, but for 34 students from Santa Fe to come down and see the process, I am sure they are interested in what we are doing. Perhaps we could just acknowledge their presence, Mr. Chairman, and thank them for coming.

Senator BINGAMAN. We are very pleased to have you here. Would you all stand so we can see you?

Senator DOMENICI. I have been working on this issue for a while and I have my own thoughts. I do not want to take that much time, so I want to ask if a detailed statement of my observations and background could be made a part of the record, and I will try to make briefer remarks.

Senator BINGAMAN. We will include all of that in the record.

Senator DOMENICI. Mr. Chairman, let me first thank you for asking the Committee to hold the hearing here, and for permitting me to join you. I am a member of the committee but without Senator Bumpers we could not have had the authority to hold this hearing. I join you in thanking him for that.

This hearing on the Petroglyph National Monument Act of 1989, in my opinion, is very historic. I believe we are going to accomplish some very significant things in order to preserve the past. I want to thank you also for cosponsoring the bill and for your leadership and help up to this point, and I am sure your leadership is helping us pass it.

I want to extend a special welcome to Congressman Bill Richardson for joining us here today. In particular, I want to thank our very new U.S. Representative, Steve Schiff, who is here with us today.

I am delighted that his first official bill that he introduced in the Congress of the United States is a bill exactly like the bill we introduced in the Senate. I thank him for that. I think it is his testimonial to trying to preserve some of the past that we all want to enjoy in the future.

This bill that is before us will establish a Petroglyphs National Monument on the West Escarpment. We all know that. It is going to preserve, if we are able to put it together, not only that escarpment but the estimated 15,000 historic Indian and Spanish petroglyphs that are found on its face.

We are going to hear from a lot of people today. I personally have already heard from almost 1,000 who responded to a mailing asking for their views, and asking whether or not—I say to all of the members here—whether we should do this or not. The result was rather astounding. They had to pay the price of a stamp and put their name on it, so it was not free. I will report the vote for you. 950 said yes. 22 said we should not. I think for people to have to go through the trouble of paying to mail us something and giving us their views, that shows a pretty good body of support for what we are going to do.

Obviously the young people in this state have been tremendously supportive. We have gotten letters from school children, not only from here but from all over the state, and I ask, Mr. Chairman, that a sampling of them be made a part of the record.

Senator BINGAMAN. Yes.

[The letters follows:]

11512 Constitution N.E.
Albuquerque, N.M 87122
June 2, 1988

Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Pete Domenici,

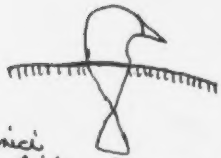
I'am a sixth grader at Eisenhower Mid-School. Recently my class has been discussing local issues and so to experience them we went to the escarpment on Albuquerque's west mesa. Before we arrived, I thought that at least it was a way to get out of school. Then when we arrived the feelings changed drastically.

While I sat on a rock and listened to the archaeologist I changed as a person I really relaxed and started to think about how wonderful the people before us were. Just to think that people would be so rude as to destroy our history is horrible, but to think it might come true is devastating. We should have more respect to both the people of the world past, present, and future and the meaningful petroglyphs as well. If we were to ruin the escarpment we would be putting an end to alot of imagination building, learning of a past culture, and, most important, ending our respect.

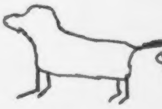
A concerned sixth grader,
Summere Smith
Albuquerque, N.M.

BEST AVAILABLE COPY

Chris Quintana
9416 avenida Del Oso
Albuquerque, NM
87111

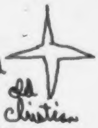


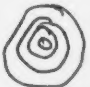
Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, D.C.. 20510



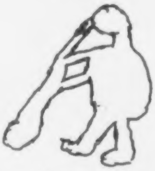
I am writing you this letter in hopes that you will preserve the Escarpment on the west side of Albuquerque for wildlife, history and of course people's enjoyment.

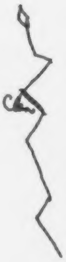
Recently my sixth grade class took a fieldtrip to these petroglyphs. We saw wildlife like red-tailed hawks and even found an abandoned coyote pup. If buildings are put up near here these animals and many more will either leave or die. Some people may think these petroglyphs are just a bunch of rocks but to me they are history. We learned about Copopelli the hunchbacked flute player, and saw other anthropomorphic figures. When I grow-up I want to take my children there. One last thing is vandalism. If buildings and apartments are near here the vandalism on these rocks will increase. These are just some of the reasons I want these petroglyphs preserved and protected.





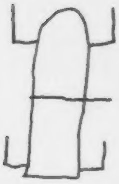
Sincerely,
Chris Quintana
6th Grader
Eisenhower
Middle School
Albuquerque, NM





Ryan Kennedy
10408 Mazatlan NE
Albuquerque New. Mex.
June 1, 1988

Sen. Pete Domenici
434 Dirksen Senate Office Building
Washington, D.C. 20510



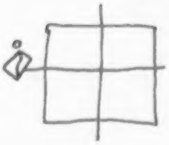
Dear Mr. Domenici,

I am deeply concerned about the petroglyphs on our West Mesa. I think they should be preserved because that is part of our North American history. An artificial environment would disturb the natural beauty of the escarpment.

Sincerely,
Ryan Kennedy 6th grade
Eisenhower Middle School
Albuquerque, New Mexico

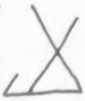
12408 morrocco
alb. nm 87111
June 1, 1988

Senator Pete Domenici.
434 Dirksen Senate Office Building
Washington, DC 20510



Dear, Sen. Domenici

We have a controversial problem on albuquerque's west mesa. I am referring to the escarpment. The escarpment is one of the most interesting and beautiful place's I've seen or visited. I don't know how the city can let the land developers destroy it's natural beauty. The escarpment is hundreds even thousands of years old. the Indians used it to peck their history, beliefs, and mythology into the rocks. Destroying it would be wiping out all known history about their civilization.



It should be saved because it is a place of beauty and interest. It's educational I've been there many time's and I've learned something new each time. The escarpment is also home to many animals. We would be driving them from their homes and place in the cycle of life.

Sincerely
Leo Gregory
6th grade Student
Eisenhower junior high
alb. n.m.

6408 Concordia N.E.
Albuquerque NM. 87111
June, 1, 1988

Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Pete,

Recently I went on a field trip to "The Escarpment" on Albuquerque's West Mesa Mesa. Before going I had no idea of what an escarpment was. Though after coming I soon had a vast knowledge of the area. I soon realized this wasn't a reason to cut class. Sitting on the rocks a quiet peace settled over me. I enjoyed this trip very much because it was facinating to learn the history of the place. I think it would be horrible to destroy "The Escarpment" because it would destroy the culture and history of the place.

A concerned 6th grader,
Hakoli Caprihan
Eisenhower M. School
Albuquerque N.M.

10 Juniper Hill Rd. NE
Albuquerque, NM
June, 1, 1988 87112

Mr. Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, D.C. 20510
(202)-224-6621 or (505)-766-3481

Dear Mr. Domenici,

I think that we should save the Escarpment on Albuquerque's West mesa. We shouldn't have apartment buildings being built right up to it. If we build these apartments it will destroy animal's homes, thus, they will leave the area. The escarpment is a relaxing area to sit and enjoy the air. It's a place to wonder right now, but if we build apartments up to it, it won't be. It will be loud and disruptful to the regular, relaxing quietness. Mr. Domenici, I'm asking for you to help me find a way to save the escarpment.

Sincerely,
Paige Shelton 6th grade
Eisenhower Middle School
Albuquerque, NEW MEXICO

4709 Glenwood Hills NE
Albq, NM 87111
June 2, 1985

Sen. Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Sen. Domenici,

An important issue I am worried about is the petroglyphs escarpment in Northwestern Albuquerque. Presently much building is going on in the area. If something is not done soon, apartment buildings will be built right up to the petroglyphs.

The petroglyphs, which were scratched onto the lava rocks almost seven hundred years ago. could help archaeologists learn much about the ideas and religion of North Americans that lived in New Mexico and other parts of the Southwest hundreds of years ago. These unusual drawings are unique and can be found almost nowhere else in the world. I recently went up there and saw many interesting petroglyphs, including the dog shaped "Beast God of the North", and the "Humped Back Flute Player", or Copopelli. If the escarpment is made into a National Monument, then tourism will grow

and so will New Mexico's economy. It would be great if New Mexico was known for the largest and most unusual petroglyph collection.

If it became a National Monument the escarpment would be forever protected from builders and most of the vandalism. Another issue is the home environment of many wild animals. The last time I went there I saw some wild animals such as coyotes and red tail hawks. If buildings were built right by the escarpment many animals would die or leave the area.

I feel that something must be done soon by the State or Federal Government to protect the escarpment. I would like it preserved for the next generation and those to come to admire the unique interesting drawings on the rocks

Sincerely,
Brandon Roth

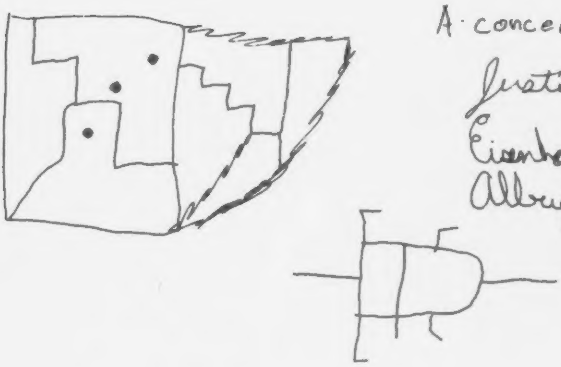
Justin Brown
5612 Carruthers N.E.
Albuquerque NM 87111
June 2, 1988

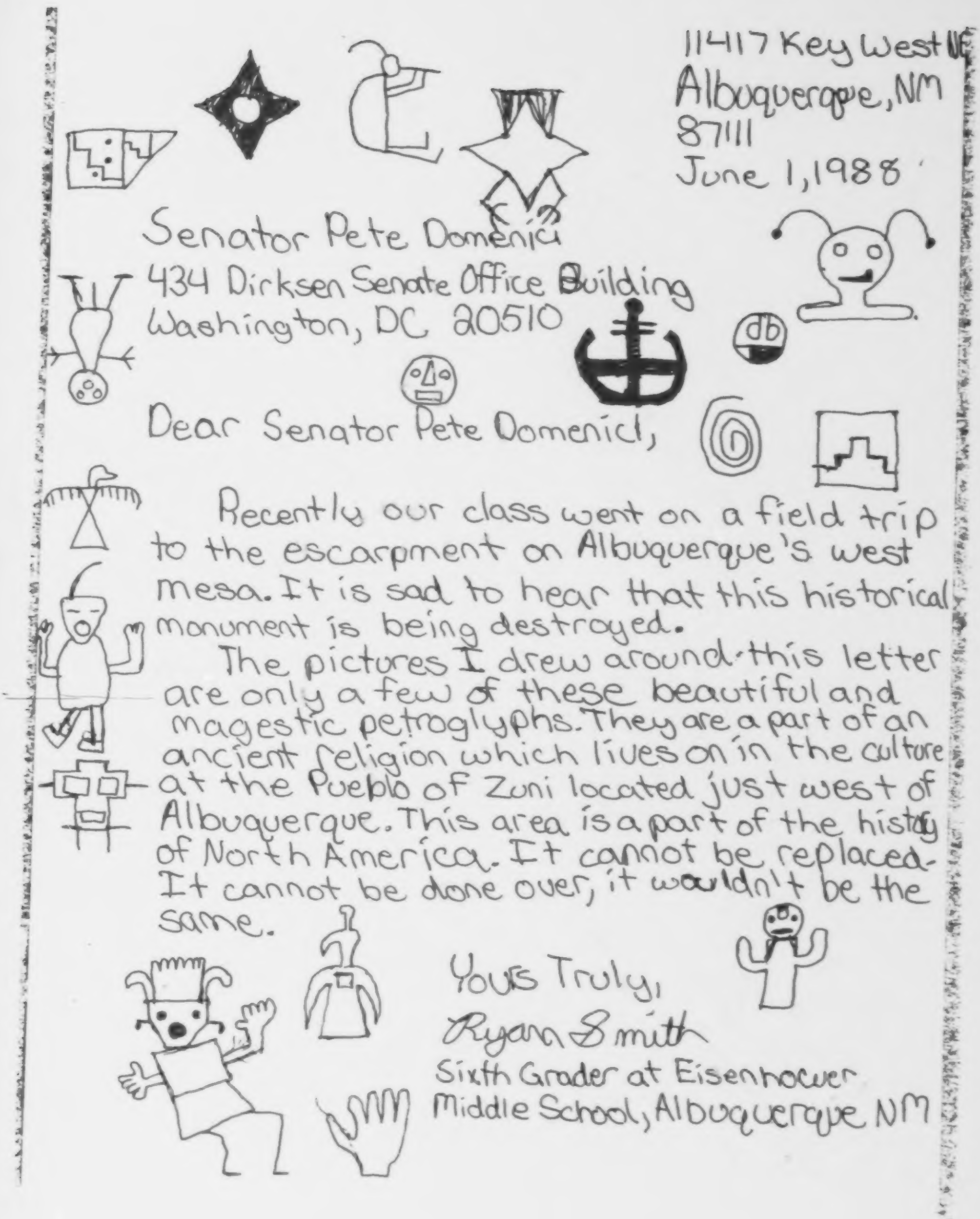
Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Domenici:

My sixth grade class took a feild trip to "the Escarpment" on Albuquerques' west side. It was a wonderful experience to learn about the people who walked the earth before us. I was inspired to learn more about the culture and the meanings of these petroglyphs. It shouldn't be destroyed. Development could take place elsewhere. The petroglyphs cannot be replaced. They are a part of our history, and should be preserved as a National Monument.

A concerned sixth grader,
Justin Brown
Eisenhower Middle School
Albuquerque NM





11417 Key West N
Albuquerque, NM
87111
June 1, 1988

Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Pete Domenici,

Recently our class went on a field trip to the escarpment on Albuquerque's west mesa. It is sad to hear that this historical monument is being destroyed.

The pictures I drew around this letter are only a few of these beautiful and magestic petroglyphs. They are a part of an ancient religion which lives on in the culture at the Pueblo of Zuni located just west of Albuquerque. This area is a part of the history of North America. It cannot be replaced. It cannot be done over, it wouldn't be the same.

Yours Truly,

Ryan Smith

Sixth Grader at Eisenhower
Middle School, Albuquerque NM

9815 Lorele,
Albuquerque, NM
June 3, 1990

Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Domenici,

I think you should make the Escarpment on the west side of Albuquerque a National Momument, It tells about the history of New Mexico. If you put up high rises the natural beauty of the place is destroyed. The Pollution from fires and cars may wear away the carvings faster and they will be gone for ever.

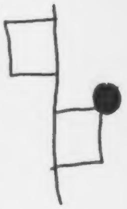
Sincerly,
David Andzik
6th grade Esinhower Mid. school
Albuquerque, NM

11509 Biscayne Dr. NE
Albuquerque, NM 87111
June 1, 1988

Senator Pete Domenici
434 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Domenici,

I just visited the Escarpment on Alburquerque's West Mesa, which is covered with petroglyphs, and I would like to see this place set aside as a National Monument. This place has the largest group of petroglyphs found in one place in North America, it can give education to the nation and the world, and it will pay respect to the ancient people. Please try to preserve this area the way it is to allow the world to be more educated about our continent. You won't be sorry.



Sincerely,
Stephanie Hilton
Stephanie Hilton
6th Grade, Eisenhower
Middle School
Albuquerque, NM

Senator DOMENICI. Many people have worked hard. You have mentioned some. The first I would like to thank is Ike Eastvold. He is the president of a relatively new organization, Friends of Albuquerque Petroglyphs, which is not to say that they are not a great group already. They are new but they are on the ball. They are doing their work. They asked last year that we get some money to study this. With your help, Senator Bingaman, we immediately got them some money so the study could start. That permitted this project to move ahead with the Park Service, their expertise behind it.

I want to welcome Chuck Wiggins here from the Sierra Club. We worked together along with Congressman Richardson on the El Malpais, which we succeeded in getting through. I think it is a credit to us all working together, and a credit to other parts of it that are going to be historic, such as the Masau Trail.

This Petroglyph bill would add petroglyphs to the Masau Trail. Mr. Chairman, in order to prevent further destruction of this escarpment and the petroglyphs, I believe we have to act rather soon. The pressure on that escarpment is extraordinary. If we delay, I believe this resource which forms the scenic boundary of Albuquerque and contains an important part of our city's history will be lost. If it is lost, we cannot get it back. So I am very optimistic that we can act this year.

Frankly I do not believe we can wait another year. I do not think we can wait another two or three years. I think we will really have lost this fight if we wait. So I am prepared, with your help and the help of many others, to proceed to preserve this precious resource before it is lost.

Our city talks a lot about its past and its future, and we have some marvelous things of which to be proud. We have the Sandias on the east, the Rio Grande running down the middle, its bosque environment and the escarpment on the west. I do not think we ought to lose that third part. The people of this city have seen to it, with much help from Congress, that we preserve the bosque area and the Sandia area. So I think we ought to complete the third part of that preservation activity by preserving the escarpment. We will be saving not only those, but I think we will be saving sunsets for an awful lot of people for an awful long time.

Let us hear from the witnesses. We want to be fair, and we want to do something that is fair to our government. Let us get it done.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF SENATOR PETE V. DOMENICI

ON S. 286

THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

SUBCOMMITEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

Albuquerque, New Mexico

April 28, 1989

Mr. Chairman, I am pleased that you could join me in Albuquerque today to hold this hearing on the Petroglyph National Monument Establishment Act of 1989, S. 286.

This bill will designate a portion of the Northwest Mesa Volcanic Escarpment here in Albuquerque as the Petroglyph National Monument. This legislation is needed to protect the escarpment and the thousands of ancient petroglyphs it contains from being destroyed by rapidly encroaching development.

Mr. Chairman, I think -- and I know I may have a bias -- that a sunset in Albuquerque is one of the most beautiful sights I have ever seen.

As the sun sets, the sky becomes nature's palette, a rich mosaic of blue, red, yellow, purple, orange, and pink. The Sandia Mountains, towering above the eastern edge of the City, radiate the colors of the setting sun. The Rio Grande shimmers in the multi-hued light as it flows on its long, lazy trek south through the cottonwood bosque in the middle of the City.

Silhouetted before the sunset on the western edge of Albuquerque is the Northwest Mesa Volcanic Escarpment. Some 190,000 years ago, a series of volcanic eruptions along a five-mile fissure in the earth spewed lava in thin, but broad sheets towards the Rio Grande. Later eruptions covered the earlier lava flows, creating over time a 17-mile long, serpentine cliff - the Northwest Mesa Volcanic Escarpment - that sweeps up from the desert floor to rise 100 feet above it at some points.

Jutting up from the mesa top are five steep volcanic cones that now stand in silent testimony to the violent eruptions that created the West Mesa many eons ago. As the sky explodes in color and the sun sets behind it, the dark ribbon of the escarpment and its volcanic cones deepen to a primordial black.

Mr. Chairman, words cannot express the beauty of a sunset in Albuquerque. You have to see it. And in order for the residents of Albuquerque and for people from all across America to see it, we must protect it.

The people of Albuquerque have already preserved the Sandia Mountains and the cottonwood bosque along the Rio Grande. Now, it is time to preserve the Northwest Mesa Volcanic Escarpment in order to protect our sunsets.

Just as importantly, we need to preserve the escarpment in order to protect our history.

Man first arrived at the escarpment at a time when mammoths, mastodons, and giant bison roamed up and down the Rio Grande Valley. The first inhabitants of the area, people we now call the Paleo-Indians, were hunters and gatherers who followed the herds of these large animals.

In the millennia that followed, the early Pueblo Indian people came to rely more on agriculture and came to lead a less nomadic existence. It was during this time, approximately 1000 B.C. to 500 A.D., that one of the inhabitants of the Rio Grande Valley picked up a rock and used it to peck out a geometric pattern on one of the large, dark basalt boulders that were strewn along the slope of the escarpment and created the first petroglyph.

In the ensuing centuries, as the population of the pueblos that dotted the Rio Grande valley grew, thousands more petroglyphs, picturing lizards, squirrels, men, crosses, circles, star beings, birds, flute players, serpents, and a world of other figures, were carved onto the boulders of the escarpment.

By the time that the first Spanish explorer, Vasquez de Coronado, arrived in the area in 1540, over 15,000 Indian petroglyphs stretched along the 17 miles of volcanic cliffs of the escarpment. The early Spanish settlers carved their symbols into the escarpment, creating their own petroglyphs.

The petroglyphs left by the Pueblo Indian inhabitants and the early Spanish settlers of the Rio Grande Valley can still be seen on the escarpment today. They are an important visual record of the early history of Albuquerque.

Unfortunately, the escarpment and the petroglyphs upon it are currently being threatened by development as Albuquerque spreads to the west. Building have been constructed at the base of the escarpment, and hundreds of petroglyphs have already been destroyed.

In order to prevent any further destruction of the escarpment and the petroglyphs, we must act to preserve this area soon. If we delay, this magnificent resource, which forms a scenic boundary of Albuquerque and contains an important part of the City's history, will be lost.

Mr. Chairman, in 1986, at my request, the Congress directed the National Park Service to conduct a study of the Northwest Mesa Volcanic Escarpment and the petroglyphs.

The Park Service's final report on the petroglyphs has just been released.

The report details that there are approximately 15,000 petroglyphs on the escarpment, most of which were created between 1300 and 1650 A.D. There are also at least 65 archeological sites along the escarpment, some as old as 10,000 B.C.

According to the report, "It is important to protect the integrity of the petroglyphs for future research and study. To move or destroy the rock art and the physical setting would greatly reduce the quality of the resources."

The report also states that preservation of the escarpment will protect the scenic quality of Albuquerque.

The Park Service concludes that the escarpment is threatened by development pressures and immediate action is needed to preserve the escarpment. It recommends taking action to protect these resources using all available public and private capabilities.

The National Park Service outlines three alternatives for preserving the area:

(1) A national monument under National Park Service control;

(2) A national monument jointly managed by the National Park Service, the State of New Mexico, and the City of Albuquerque; and

(3) Joint management of the area by the State and the City with the cooperation of private landowners and technical and financial assistance from the Federal Government.

The report states that, because of the costs and geographic aspects of the area, Alternative 2 would be the most effective method for protection of the escarpment.

The National Park Service estimates that a national monument protecting the petroglyphs would attract as many as 400,000 visitors a year, two-thirds of whom would be from out-of-State. These visitors would contribute an estimated $1.7 to $3.3 million to the local economy.

Following the conclusion of the National Park Service study, I convened an advisory group of conservationists, land owners, government officials, and other concerned citizens to provide information and views on the various alternatives to the New Mexico Congressional Delegation as it put together the legislation to protect the escarpment.

Last May, this group, which was named the Advisory Group for the Establishment of a Petroglyph National Monument, presented its report to me. The advisory group supported the creation of a national monument. It made specific boundary recommendations, proposed provisions to be included in the legislation, and developed innovative proposals for land acquisition along the escarpment. Their work was essential in putting together a reasonable plan for the protection of this area.

While these efforts were underway, the City of Albuquerque was also working to protect the escarpment. In November of 1987, the City adopted a Northwest Mesa Escarpment Plan. The plan recommends the conservation of the escarpment for the purpose of preserving the petroglyphs and the volcanic cliffs as public open space.

The City's Escarpment Plan proposes public ownership, through a phased acquisition program, for the escarpment and critical surrounding areas. It also provides immediate protection for the escarpment by imposing various zoning and construction restrictions, such as height and density limitations and buffer zones between development and the escarpment.

In addition, in October of 1987, the City instituted a 1/4-cent sales tax for a variety of projects to enhance the quality of life in Albuquerque. Fourteen million dollars collected under that tax are earmarked for open space acquisition along the escarpment. Last year, the City initiated its acquisition program.

The State of New Mexico has been involved in the effort to preserve the escarpment through its ownership of the existing Petroglyph State Park on the escarpment. Although the park is a State Park, it is owned and operated by the City of Albuquerque and, thus, is a State Park in name only.

In 1987, the New Mexico State Senate passed a memorial that directed the State Government to assist the National Park Service and the City in the preparation of their respective plans for the preservation of the escarpment. The memorial also mandated that the State determine what its ultimate role should be in the effort to protect the escarpment.

The State supports preservation of the escarpment. It has agreed to assist with land acquisition associated with the expansion of Indian Petroglyph State Park. Last year, the State Legislature authorized $300,000 for the acquisition of land to expand the park. Governor Garrey Carruthers recently signed legislation that will provide an additional $5.7 million in severance tax bonding authority for the expantion of Petroglyph State Park.

Mr. Chairman, the City of Albuquerque and the State of New Mexico have begun the process of protecting Albuquerque's Northwest Mesa Volcanic Escarpment and its historic petroglyphs. Now it is time for the Federal Government to establish its role in this project.

Last year, then-Congressman --- and now Secretary of the Interior --- Manuel Lujan and I developed and introduced the Petroglyph National Monument Establishment Act of 1988. However, because it was introduced late in the session, it was not enacted into law.

The Petroglyph National Monument Act of 1989 follows the basic structure of last year's bill, but includes a number of additions and refinements.

The bill does the following:

1. Declares that the petroglyphs are significant, that the State of New Mexico and City of Albuquerque have shown great leadership in the protection of the petroglyphs, that the Pueblo Indians and the Atrisco heirs have shown a strong interest in the preservation of the escarpment, and that the National Park Service has no unit specifically established for the preservation of rock art.

2. Establishes the Petroglyph National Monument, which when fully acquired will encompass essentially the boundaries identified as "Alternative 2" by the Park Service plus the Southern Geologic Window and the Zuris-Mann site. The area identified for Federal acquisition totals 5,150 acres - the total size of the monument will be approximately 7,100 acres once land to be acquired by the City and the State is included in the monument. Federal acquisition cost is estimated to be $55 million, plus another $30 million from the City and the State -- of which over $20 million has already been earmarked.

3. Provides for the inclusion in the national monument of lands identified for acquisition by the State of New Mexico and the City of Albuquerque after the State and the City have acquired those lands.

4. Allows the National Park Service to acquire lands in the national monument by donation, purchase, or exchange. State of New Mexico and City of Albuquerque lands may only be acquired by donation or exchange. Allows the City and the State to acquire lands in the Federal area and then exchange them for Federal lands in their areas.

5. Authorizes the National Park Service to enter into cooperative agreements with the State of New Mexico and the City of Albuquerque for the administration of their lands within the national monument.

6. Authorizes the National Park Service to enter into cooperative agreements with public entities, Indian tribes, and non-profit entities for the interpretation of the petroglyphs outside the national monument. This will allow the National Park Service to provide technical and financial assistance for the interim protection of areas along the escarpment.

7. Allows the National Park Service to provide immediate protection to threatened areas of the escarpment through acquisition by donation of leasehold interests of escarpment land.

8. Directs the National Park Service to develop a general management plan for the monument in three years. The plan shall include an identification of lands that need to be protected by the State of New Mexico and the City of Albuquerque, estimated visitor use, an interpretive program, a plan to implement the American Indian Religious Freedom Act, and a monument development plan.

9. Directs the National Park Service to study other Rio Grande style rock art sites in New Mexico, then report to Congress on the condition of those resources.

10. Allows non-exclusive access to the monument by Indian people for traditional cultural and religious purposes.

11. Establishes a 6-member Advisory Commission for the monument consisting of representatives of the State, the City, the All Indian Pueblo Council, Westland Development Co., and others.

12. Amends the El Malpais National Monument Act approved in 1987 to include Petroglyph National Monument in the Masau Trail, the automobile touring route linking historic and prehistoric sites throughout New Mexico.

Mr. Chairman, I am grateful for your cosponsorship of last year's bill and your cosponsorship this year of the Petroglyph National Monument Act of 1989.

I am also pleased that the new Representative from Albuquerque, Steve Schiff, has taken up where Manuel Lujan left off by introducing this legislation in the House of Representatives this year. It is a mark of his dedication to preserving the escarpment and the petroglyphs that the Petroglyph National Monument Establishment Act was the first bill that Representative Schiff introduced.

Mr. Chairman, I am appreciative that both you and Representative Schiff could join me here today to hear the testimony of New Mexicans on this bill.

I believe that the testimony that we will hear today will demonstrate that support for Petroglyph National Monument is strong.

This strong support is due to the effort that many groups, including the All Indian Pueblo Council, the Friends of the Albuquerque Petroglyphs, the League of Women Voters, the Open Space Task Force, the National Parks and Conservation Association, the Quality of Life Coalition, the Sierra Club, and others have put into this project.

I want to particularly note the contribution of Ike Eastvold and the Friends of the Albuquerque Petroglyphs. They have worked diligently to preserve the escarpment and the petroglyphs and to extend Federal protection to this area. Without them, I am convinced, we would not be here discussing this bill today.

In addition, J.J. Johnson has been instrumental in generating support for this project among the landowners along the escarpment. His work as Chairman of the Advisory Committee for the Establishment of a Petroglyph National Monument made it possible to draw boundaries for the monument that have a great deal of support.

Westland Development Co., Inc. and the heirs of the Atrisco Land Grant also have been both helpful and accomodating. In 1692, the King of Spain created the Atrisco Land Grant on the escarpment. A good portion of the land in the area is still owned by the heirs of the Atrico Land Grant, through their corporate entity, Westland Development Co., Inc. I believe that today they will make an innovative suggestion for federal acquisition of the area. This suggestion needs to be examined seriously.

I am optimistic that we can enact this bill this year. Frankly, I don't believe that we can wait another year or two or three to protect and preserve the Northwest Mesa Volcanic Escarpment and the petroglyphs. We must act and we must act now, or else this precious resource will be lost.

Mr. Chairman, nature has provided a beautiful backdrop for Albuquerque, with the Sandia Mountains on the east, the Rio Grande and the bosque in the middle, and the Northwest Mesa Volcanic Escarpment on the west. The people of Albuquerque have already preserved the mountains and the bosque. Now they want to preserve the West Mesa Escarpment so that we can save our sunsets and our history for Albuquerqueans and all Americans to enjoy. Let's help them do it.

Senator Bingaman. Thank you very much.

We are very pleased to have Congressman Bill Richardson here, and he is a cosponsor of this legislation in the House. He has demonstrated in all of his time that he has been in Congress his strong commitment to environmental and preservation issues.

Bill, we are very glad to have you here.

STATEMENT OF HON. BILL RICHARDSON, U.S. REPRESENTATIVE FROM NEW MEXICO

Mr. Richardson. Thank you, Senator Bingaman and Senator Domenici, for extending the courtesy to the members of the House at this Senate hearing to participate. I think it is a very noble gesture. I think it underscores the bipartisanship that also is needed to get this legislation passed. The House Interior Committee has been out here and has held a hearing.

I think there is enormous support for this legislation. I do not need to restate the importance of preserving these West Mesa Petroglyphs, which are unquestionably of great importance. It is obviously from the leadership here, from the legislature, the city, the Federal Government, concerned citizens and environmentalists, landowners, et cetera, that there is enormous support for this legislation.

Besides their own values, the petroglyphs offer a unique opportunity in my judgment for research on rock art and the Indian and Spanish cultures which created that art. I am hopeful, Mr. Chairman, that we can expand the research component of the legislation, perhaps through the creation of a Rock Art Research Center. I have written each member of the delegation. I am especially pleased by the response I got from the original author in the House, our new colleague, Steve Schiff. I hope that we can explore that and many other issues at this hearing.

As I understand it, Mr. Chairman, there are three issues which the Senate committee is going to examine today which I think are critically important.

The first, can the Federal Government afford the 55-million-dollar cost of this project, and how much should and will the state and city contribute?

Second, how should the Westland Development Corporation's tract at the south end of the escarpment be acquired; by fee purchase, by lease or by conservation easement?

And third, how should the joint ownership and management of the National Monument be structured to provide expeditious acquisition, uniform protection and coordinated management of the area?

Again, my tributes to Senators Bingaman and Domenici for initiating this legislation. Now that I can see Senator Domenici's vision of the Masau Trail, which he created as part of the El Malpais. I can see his grand design that we are encircling some very, very vital historic sites in the state. I think it is an excellent concept.

And to you, Senator Bingaman, my thanks for allowing me to participate.

Senator Bingaman. Thank you very much. And let me call now on our Congressman from this district, Congressman Steve Schiff, who is the prime sponsor of this legislation on the House side, and who has demonstrated through that early sponsorship his commitment on this project.

Steve, we are glad to have you here.

STATEMENT OF HON. STEVEN H. SCHIFF, U.S. REPRESENTATIVE FROM NEW MEXICO

Mr. SCHIFF. Thank you, Mr. Chairman. I am grateful to the Senate for authorizing the hearing. I am grateful you would invite me and Congressman Richardson as House members to join you, particularly as we are sponsors and cosponsors respectively of companion legislation in the House. I am looking forward to hearing the testimony also.

I want to talk about the bill in two brief ways. First, in the brief time that I have been in the House, I have already voted on the House floor—to the extent that we have been voting—against a number of expenditure ideas. That goes all the way up to and including my vote against the appropriation for House staff committees because it included an increase of seven and a half percent. I voted against my own pay raise, and I did all of that because of this thing called the "deficit," which is to me far more than a term. It is a reality.

Well, then, why turn around and sponsor this one piece of legislation? Because, Mr. Chairman, I think that from what I have seen personally, and what I have been told by the experts, it is a now-or-never situation, at least to get the process moving. Many of the petroglyphs and many of the areas we seek to preserve are not today on public land. They are on private land. Private land that owners have every legal right to develop for housing or for any other purposes they see fit under the law.

At some point in time, Mr. Chairman, they are going to want to do that. Nobody can blame them. Unless the government acquires this land and offers compensation for the land to the owners, it will be lost forever. I think that we have to move now or we will never get this opportunity again.

Second and finally, Mr. Chairman, I just want to state how I am doing in the House. Immediately upon my filing the bill, Representative Skeen and Representative Richardson both cosponsored the bill with me. I am grateful to both. I want to say that publicly.

Then I started enlisting cosponsors from other states, because I believe in our seeking a national monument, this is a national issue. It happens to be here in New Mexico, but I think it is of national importance. I am pleased to say that of the three members who cosponsored this one is Representative Gatenson, a Democrat from Connecticut; one is Representative Horton, a Republican from New York, and one is Representative Stark, a Democrat from California.

I know I need to work on getting a great number more of cosponsors, but the significance even in those few names is that you can see Democrats and Republicans, East Coast and West Coast. I think we can make this a national issue and get it passed this year.

Thank you, Mr. Chairman.

Senator BINGAMAN. Thank you very much.

Our first witness today is John Cook, who is the Regional Director of Southwest Region of the National Park Service, Santa Fe.

John, please come up.

The Park Service has done an extensive report on the petroglyphs and the escarpment, and if you can give us an update on the report and go through the report in any form you would like.

STATEMENT OF JOHN E. COOK, REGIONAL DIRECTOR, SOUTHWEST REGIONAL OFFICE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DOUG FARRIS, CHIEF OF PLANNING

Mr. COOK. Thank you, Mr. Chairman. It is a delight to be here today. I appreciate the opportunity to appear before your subcommittee on the subject of the petroglyphs.

With your permission I would like to submit my prepared statement for the record and I will highlight it.

Senator BINGAMAN. It will be included in the record.

Mr. COOK. I also have the distinct pleasure of presenting to the subcommittee the released study. It is now authorized to be released and we will present that to you.

Senator BINGAMAN. We appreciate receiving it. Tell us what is in it.

Mr. COOK. I have at the table with me, Mr. Doug Farris, my chief of planning who all of you know quite well from his many long hours involved in the petroglyphs study program. In fact, before I highlight my statement, I would like to take just a moment and thank not only the Congressional delegation but your staff, members of committee staff, my own staff and the community at large, both state, city, and private citizens, for the way they have worked together on this. It has indeed been a real thrill to see some very tough issues aired honorably and openly, and the end result I think is something we all can be proud of.

The National Park Service became involved in the concept of protecting these resources through the Congressionally directed study which Senator Domenici mentioned earlier. Then in March of this year, S. 286 was introduced to establish the Petroglyph National Monument. The department has taken no position at this time. However, the department does believe that the government's deliberations should include consideration of the broadest array of options. That is one of the reasons we are here today.

Significance of the resource. There is absolutely no question with regard to the significance of the resource. The Albuquerque-West Mesa consists of a major concentration of Rio Grande-style petroglyphs—one of the most dramatic styles of rock art in content, style of execution and complexity.

In the Rio Grande style are preserved the roots of contemporary Pueblo religions, such as kachina masks, alter paintings, and other ceremonial paraphernalia. This art is a prehistoric record of gods and beings that figure prominently in Pueblo ceremony and ritual today. In preparing the new area study, Pueblo leaders expressed the importance of the rock art to them and their interest in seeing it preserved.

The petroglyphs are also significant as Pueblo art. Rock art is a distinctive art form incorporating rocks, sunlight and shadows.

Regarding the approximately 65 archeological sites within the boundary, all known from approximately the same time periods represented by the rock art. As with the rock art, the most significant time period is the Pueblo IV, when as many as 30 or 40 major Pueblos were occupied along the middle Rio Grande Valley. Many of these buildings contained hundreds of rooms and were two and three stories tall.

The significance of the rock art and the archeological sites on the West Mesa escarpment has been recognized by listing on the National Register of Historic Places as a national archeological district.

Another aspect of the significance is the integrity. Despite the effects of vandalism and the loss of some petroglyphs, the culture resources of the proposed monument are essentially untouched.

The setting of the culture resources is also a necessary component when considering integrity. The sweep of the volcanic landscape and the primary landscape features again are basically intact.

Why the concern? Threats to the resource. Vandalism is an immediate physical threat to the archeological sites and the rock art as well as to the setting.

The development pressures on the lands near this escarpment are increasing rapidly. The further damage to the resource and further development of private lands could affect the integrity of these culture resources as well as threaten their actual existence.

Therefore that brings us to the protection of the resource. The staff of the National Park Service, the City of Albuquerque and the State of New Mexico have worked very closely with private citizen organizations during the preparation of the National Park Service study document for the Albuquerque West Mesa. The National Park Service is very supportive of the goal of protecting the Albuquerque West Mesa cultural resources. Yes, protection costs are high, but adequate protection in a reasonable time period can be achieved by intergovernmental involvement.

That concludes my prepared remarks, Mr. Chairman. I have, as I said, Mr. Farris here with me to assist in answering any questions.

[The prepared statement of Mr. Cook follows:]

STATEMENT OF JOHN E. COOK, REGIONAL DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S.286, A BILL TO ESTABLISH THE PETROGLYPH NATIONAL MONUMENT, NEW MEXICO.

April 28, 1989

ALBUQUERQUE, NEW MEXICO

Mr. Chairman, I appreciate this opportunity to provide your subcommittee with information on the Petroglyphs of Albuquerque's West Mesa.

The National Park Service became involved with the concept of protecting these resources through a Congressional directive that made funds available in fiscal 1987 and 1988 for a suitability study of a potential national monument and other protection options. The area has been recognized as being nationally significant by having been registered as a national historic landmark.

On March 21, 1989, S.286 was introduced to establish a Petroglyph National Monument comprising portions of the West Mesa. The Department has taken no position on the legislation, and an official recommendation will be contained in the Department's report to the full Committee on the bill. However, the Department believes the federal government's deliberations over whether to establish a Petroglyph National Monument would benefit from, and should include, consideration of the broadest array of options.

Significance of the Resource

The Albuquerque West Mesa contains a major concentration of Rio Grande-style petroglyphs--one of the most dramatic styles of rock art in content, style of execution, and complexity in the Southwest. These images of large animals, birds, and reptiles, human ceremonial figures, star beings, flute players, serpents, and masks date from the Pueblo IV period (A.D. 1300-1650), when the prehistoric population reached a peak.

In the Rio Grande style are preserved the roots of contemporary Pueblo religious iconography such as kachina masks, altar paintings, and other ceremonial paraphernalia. This rock art is a prehistoric record of gods and beings that figure prominently in Pueblo ceremony and ritual today, and others which are no longer included. Many specific kachinas, some thought to have been present only in the western Pueblos of Zuni and Hopi, can be identified in the Rio Grande style on the West Mesa. In the course of preparing the new area study for the Albuquerque West Mesa Petroglyphs, some Pueblo leaders and representatives of the All Indian Pueblo Council expressed the importance of the rock art to them and their interest in seeing it preserved.

The petroglyphs are also significant as Pueblo art. Rock art is a distinctive art form in which imagery incorporating rock, sunlight, and shadow enhances the landscape in which it occurs. It is an unintentional statement, but a powerful one of the Pueblos' close relationship with the land.

Regarding the approximately 65 archeological sites within the boundary, all major known time periods in the human history of the area are represented, including Paleo-Indian sites (10,000-5500 B.C.), some of the most important Archaic sites (5500 B.C. - A.D. 400) in the vicinity, and a few remains from the early Pueblo periods I, II, III (A.D. 600-1300). As with the rock art, the most significant time period is the Pueblo IV, when as many as 30-40 major pueblos were occupied along the middle Rio Grande Valley. Many of these buildings contained hundreds of rooms and were two and three stories tall. Kivas were often decorated with spectacular wall paintings.

The significance of the rock art and archeological sites on the West Mesa escarpment has been recognized by listing on the National Register of Historic Places as a national archeological district.

Another aspect of significance is integrity: The over 60 archeological sites and the 15,000-17,000 petroglyphs have retained their integrity--the petroglyphs and sites remain in their original locations; and despite the effects of vandalism and the loss of some petroglyphs, the cultural resources of the proposed monument are essentially untouched.

The setting of these cultural resources is also a necessary component of their integrity. Although the West Mesa has been compromised to some extent by the presence of subdivisions along the middle section of the escarpment, a number of dirt roads and several high voltage powerlines on top of the mesa, and damage to the volcanoes from cinder mining, the sweep of the volcanic landscape and the primary landscape features are basically intact.

Threats to the Resource

Vandalism and less deliberate damage from off-road vehicle users, target shooters, and other recreationists is an immediate physical threat to archeological sites and rock art, as well as to their setting. Continuing residential, possibly commercial, development along the base of the escarpment presents a major threat to the integrity of the cultural resources, not only because of the direct effects of bulldozing, increasing population, and ease of access but also because the natural setting, so important to resource integrity, as well as visitor enjoyment and appreciation, is rapidly shrinking. These trends could be halted or slowed if zoning controls were applied.

Development pressures on the lands near the escarpment are increasing rapidly. Further damage to resources and further development of private lands could affect the integrity of these cultural resources.

Protection of the Resource

The staffs of the National Park Service, the City of Albuquerque and the State of New Mexico have worked together very closely during the preparation of the National Park Service study document for the Albuquerque West Mesa. The National Park Service is very supportive of the goal of protecting the Albuquerque West Mesa cultural resources. Land use and management issues are very complex, but could be adequately resolved with the assistance of all levels of government. Protection costs are high, but adequate protection in a reasonable time period could be achieved by intergovernmental involvement.

Conclusion

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to any questions you may have.

Senator BINGAMAN. I will ask a couple of questions, then defer to my colleagues to do the same.

According to your study, what do you estimate the cost of the acquisition to be under this alternative? As I understand it, you have Alternative No. 2, which is one which seems to have a shade more support than the others from what I know about it at this stage. Could you tell us the estimated cost on that?

Mr. COOK. Estimated cost for that alternative is between $50 and $60 million. These costs are based on general land cost estimates that we acquired through contract and are based on comparables. That is the Federal Government side now, Mr. Chairman, that I am talking about, and not the total program. I am talking about the Federal Government cost.

Senator BINGAMAN. Are you able with this map that is behind us here to give us just the conclusion of your report in a brief form? Can you point out the boundaries of what you would propose?

Mr. COOK. With the chairman's permission, I would ask Mr. Farris to do that.

Senator BINGAMAN. I think that would be helpful to all of us to understand what we are talking about.

Mr. FARRIS. Mr. Chairman, the boundary of the proposed Petroglyph National Monument as indicated on this graphic would include three units based upon an intergovernmental management approach. The green area or what is now known as Atrisco Unit contains about 5,200 acres and would be the responsibility of the Federal Government through the National Park Service to acquire, manage and protect.

The yellow area north of this green area currently known as the Boca Negra Unit would be the responsibility of the State of New Mexico to acquire, although it is likely the City of Albuquerque would manage that area.

And the areas listed in red, including the Piedras Marcadas Canyon to the north, near Paradise Hills Boulevard, the northern and southern geological windows, and the northern extremity of the volcanoes would be acquired and managed by the City of Albuquerque, as well as a detached unit near Coors Boulevard, which is presently known as the Zuris-Mann site and I believe the City of Albuquerque has already successfully acquired the property at that site. That would also be a part of the monument proposal.

Basically the monument includes a 17-mile long escarpment from approximately a mile north of I-40 near the 98th Street interchange, along the Rinconada, Marsh peninsula, existing state park and on northward past the Paseo del Norte Road and then into Piedras Marcadas. Approximately 7,200 acres are included within the boundary that accompanies the legislation as it has been introduced. Our original study area was approximately 12,000 acres.

Through the process of negotiation, discussion, meetings, particularly through Senator Domenici's advisory group that was set up and other efforts and negotiations, the end result of all of that work is a concept and a boundary included on this graph.

Senator BINGAMAN. If you would stay there just a minute, maybe we will have some questions. Let me ask on Westland Development Company's tract at the south end, what is the recommendation or what are your thoughts on that?

Mr. Cook. We would prefer to purchase that tract, and we would prefer to purchase in fee simple.

Senator Domenici. Show us that again. The Westland tract that we are talking about is what portion of this?

Mr. Farris. The Westland area is located within the green area extending south of the old Atrisco Land Grant boundary and including La Mesa Pietra, the southern end of the extremity of the escarpment around to the center of the Rinconada, the northern part of the Rinconada being already owned by the City of Albuquerque.

Senator Domenici. How many acres of that is Westland's?

Mr. Farris. That is approximately 1,960 acres.

Senator Bingaman. Let me ask about this Rock Art Research Center that Congressman Richardson referred to and has been suggested as a possible add-on or supplement to the monument. Do you have a view on that as to whether that is an appropriate thing to do, or how that would function?

Mr. Cook. Frankly, Mr. Chairman, I find myself getting a little ahead of our offensive blocking, if you might. Something like this and I get a little excited when I think in terms of such things because a Rock Art Center, located adjacent or as a part of this National Monument could be extended beyond just New Mexico or just the Rio Grande Valley. It could, in fact, serve as a Rock Art Center for the Western United States. It is something that is becoming more and more important. Something that people are becoming more aware of.

I see that it can come about either as a result of the study that would take place after the authorization or, of course, if the Congress in your wisdom were to decide that you wanted to have a Rock Art Center as a part of the bill, it could take place.

To answer your question, I do think it has great potential to serve as a service to the American people and to be a very positive adjunct to this National Monument.

Senator Bingaman. You have estimated the number of visitors that might actually visit a monument such as this?

Mr. Cook. Senator, we have, and I always hesitate to get into the numbers game when talking about visitation, because envariably I get trapped in that either I over-estimate it, which is usually the case, or I underestimate it.

The study does indicate visitation—I would prefer to tell the committee that such a national monument located next to an interstate like Interstate 40 would, in fact, have a large draw of interstate visitors.

Numbers we can project. I think the realistic figures would be more in terms of just assuring the committee that, yes, it will be a draw.

Senator Bingaman. Let me defer to Senator Domenici for any questions he has.

Senator Domenici. Thank you very much, Mr. Chairman. First let me say to you, John and Doug, I am very proud of the Park Service. I think what we have seen is giving us a glimpse of the professionalism that many, many people already know about, but from time to time we forget that you are really among the premier conservation organizations in the world. I personally am confident that if we could get this into a posture where it is no longer going to be destroyed, that under the leadership of the Park Service the evolution of what we can do there and the development of what we can do there, is just beyond anything that we have in legislation now. I perceive activities consistent with preservation that are very, very exciting for the academicians of the country, for those who study history, for those who study archeology. I think the sky is the limit.

With reference the Rock Art Center, let me just suggest that I have no personal preference whether we proceed quickly or whether we proceed as indicated in the bill. My recollection, Congressman Richardson, is that the bill says for you, once we get this determined, that an official study of rock art should be conducted by the Park Service with recommendations. I do not know whether we ought to do that first, then proceed with a bill with Congressman Richardson's idea. But clearly when your boss, Mr. Mott, was here, I just cannot tell you how that gentleman, approaching 80 years of age, how his eyes just glistened when he talked about what we could do with rock art out there. He already had a building and was pointing to it is he walked around with us. I think if you could keep that excitement alive, we are well on the way.

Let me talk about where all this money that we have to spend, if we buy this, where most of it goes. Would you get back up there and tell us now where do we spend Federal money in acquisition? Just outline what it is the Federal Government has to spend money for?

Mr. FARRIS. Within the green area on this graphic it is proposed that the Federal Government acquire private property of approximately 2,280 acres, as I recall, including the Westland Development lands in this location, some small amount of private property along the Laurelwood Development area along Unser Boulevard as it exists and as it is proposed, other small parcels of property along the escarpment and the Lava Shadows area, and around the Marsh Peninsula near Santa Fe Village and on northward along the escarpment. This boundary is drawn along the escarpment as narrowly as we could draw it, I think, to still allow some capability to manage the resource. And there are several small parcels within that area that would have to be acquired.

And then the remainder of the property is already in public ownership, held either by the city or in this case in this section by the State of New Mexico. And as Director Cook has indicated at a probable cost of 50 to 60 million for the Federal share of responsibility. Within the yellow area of which this 215 acres, 74 acres are already held in ownership by the City of Albuquerque. The remainder of it and small parcels of a third- and half-acre lots that would have to be acquired from private owners.

The pink area, of course, particularly along the escarpment in this location, Piedras Marcadas, the city has already initiated the acquisition process at that location, and I would estimate the city's acquisition role within the pink area would possibly exceed $25 million.

Senator DOMENICI. On this part right in here, that was a very controversial part of this with many people who have lots in the area. I am sure they wrote to both of us talking about their ownership. What you have done is narrow the acquisition to the minimum that you think we should do to professionally maintain the escarpment; is that correct?

Mr. FARRIS. Yes, sir, Senator Domenici. The boundary has been drawn in such a way at this location that it essentially only includes one lot on either east and west of the escarpment face itself, leaving the lots to the east and the lots to the west on top of the escarpment to continue in private ownership.

Senator DOMENICI. One last question on this and then I want to ask you a question about Atrisco for a minute.

If the escarpment is here, why do we need all this land?

Mr. FARRIS. The question of inclusion of the volcanoes and the broad expanse of the mesa has surfaced throughout this study. The position of the report indicates that this large expanse of volcanoes, lava flows, and the asphalt rock which forms sort of an outdoor canvas location for the petroglyphs is integrally linked. It cannot be separated and it should not be separated. In order to have the expansiveness of a national monument within the natural and cultural resources linked together, it is very desirable to have all of that capability to protect that area and to provide for visitor use of the entire area versus just small segments along the face of the escarpment.

Senator DOMENICI. Where might the principal visitors' use facility be under your present thinking?

Mr. FARRIS. While we have not developed a general management plan, which is called for in the bill that has been introduced, two of the locations that have been viewed either as possibly favorable are along the southern part of La Mesa Pietra off of 98th Street, and another location might be at the mouth of the Rinconada along Unser Boulevard. One of these allowing Unser as an access, the other 98th Street as an access from I-40.

Senator DOMENICI. Let me return to you, Mr. Cook, with the chairman's permission.

I understand that later in the day we are going to hear testimony from those representatives of the heirs to the Atrisco Land Grant. And obviously this is very important land to them; not only as Representative Schiff indicated they own it, but also because they have significant historic tie and concern. And they will indicate they prefer not to sell it but rather to try to accommodate to what we need in other ways.

One of the words of legal art that they talked about and will be suggesting is some kind of a conservation easement; wherein we would get certain rights and they would retain certain ownership.

Could you please tell us, as professional managers, your view with reference to that approach, in your opinion? After you have discussed that, talk about a long-term lease and what you think about that. I believe their views deserve our consideration. I am not sure we know enough to answer that kind of thing today, but rather than call you back later I thought I would ask your views right now.

Mr. COOK. Thank you, Senator. We, too, wish to retain an open mind, listen to all thoughts and concerns and suggestions with regards to the acquisition of land should this actually become enacted?

First of all, I will address the conservation easement issue. There are several concerns. First of all, what are the rights that are reserved by the original owner or the current owner, and what rights does the Federal Government have. Is it capable, the Federal establishment, of having adequate protection first and foremost of the resources. The very reason we are here today. Do those rights or would that easement grant adequate rights to protect that resource forever? National parks and monuments are not just for a quarter of a century. They are forever.

Secondly, what is the cost of an easement that provides adequate protection, vis-a-vis the cost to the Federal Treasury for the acquisition. There is always a concern of management control. Quite candidly, in the event there was not adequate control for park purposes, our solicitor would not let us sign a sale document.

Lastly, in my experience in dealing with conservation easements—and we do manage some conservation easements, generally with regard to properties such as parkways, et cetera, strictly for the aesthetic purposes or a purpose that we want to continue an existing use, such as at Buffalo River where we wanted to continue the historic farming—has been the first and second generation totally understand after the easement is acquired the purposes of the easement. But by the third generation both informed management on the Federal side and informed of what it is the person still retains begins to get blurred, and it becomes rather uncomfortable at times.

With regard to the lease situation, and there has been some suggestion that this could be analogous to the Zuni-Cibola authorization, that is not true. Zuni-Cibola is trust land with an implied Federal interest in it and a Federal responsibility to begin with. We are negotiating a lease for Zuni-Cibola at this time, but it is, in fact, a 99-year lease at no cost. I do not see there is much in the way of a parallel with regard to the type of lease that will be required here and the type of lease we are attempting to work out with Zuni-Cibola.

The only other lease attempt that I am aware of in the National Park Service that we are discussing—we are just in the process of discussing in Samoa. Again, we are talking about implied Federal interest in the real estate.

Senator DOMENICI. Thank you very much.

Senator BINGAMAN. Congressman Richardson, do you have some questions?

Mr. RICHARDSON. Thank you, Senator.

John, I was very pleased with your statement in support of the Rock Art Research Center. I know that you are restricted by giving the official position of the Park Service. I understand those dimensions there. What I very much had in mind was an ability of this research center to increase the potential for research into Hispanic rock art, Native American rock art. My hope was that it could be also a center for tourism, archeologists, extensive study here, but make it national, not just within the state boundaries.

I am pleased with your statement in support of the concept, and I suspect as we move ahead with this legislation in the House and in the Senate we ought to consider how best to achieve it. Whether to proceed with a study or whether to proceed with the center itself. I would prefer just proceeding, because I think I know what the study would say.

Let me ask you about a concept of the management, John, in terms of the Park Service. You talked about the University of New Mexico and the state. Obviously the situation in the Congress, whenever you are asked to appropriate $55 million, is going to be difficult, but I think that we could probably do it. The University of New Mexico's contribution, I think, is unquestionable. The state legislature has taken some very good steps. The city has taken some very good steps.

My question, though, John, is, does this management plan take into account fluctuations and the potential problems in securing appropriations at any given time? Give us the best-case and the worst case scenario. The best case being that you can get an appropriation within a certain period of time that would be sufficient to have enough of your people out there in the state and the worst case. In other words, if we wait five years, have we reached a point where we are going to hurt in making it a viable entity? What is the time frame that you see?

Mr. Cook. Professionally speaking it is my opinion that if action is not taken in the short term, no action will be ever required because it will be too late. The resource is, in fact, threatened. We have estimated $50 to $60 million for acquisition for the Federal estate. That is just, as Mr. Farris pointed out, a part of the acquisition for the petroglyphs. That does not include, Congressman, the cost of operating, cost of providing intrastructure, cost of providing capital improvements and then just the cost of park rangers running visitor centers, et cetera.

It is my opinion, though, that the cost will continue to escalate, just the real estate cost alone, to where there really is no worst-case scenario. I think you are getting that today. We are at a point where in a year or two probably such a hearing would not need to take place. We would not have the combination of suitability and feasibility to include it in the national system. The integrity would be threatened, some of the feasiblity would be threatened and certainly the total package, the scene would have been diminished to the point where it no longer would meet national significance.

Mr. Richardson. My last question would be: Obviously we are all here in New Mexico very interested in this initiative, but where does this National Monument fit in the context of national monuments in this country and the southwest? Is it strictly a New Mexico initiative, or do you see it as something that might evolve into a national scope, nationally or internationally known entity?

Mr. Cook. We have declared that it is nationally significant, applying national criteria. I was delighted when Congressman Gatenson was out here last year and toured it, and seeing his enthusiasm over something—after all the Congressman is from the East. He was very enthused about the petroglyphs.

I think to answer your question in the shortest way possible is that this is nationally significant. It fits into the national scene. While it is important to us in New Mexico, it is and should be important to the nation.

Mr. Richardson. Thank you.

Senator Bingaman. Congressman Schiff.

Mr. SCHIFF. Mr. Chairman, in the interest of time I have no questions. I would like to make two very brief observations. One is that the identical bills do contain provisions for research by the Secretary of the Interior to identify a rock art location and status and condition, but not specifically a Rock Art Center. So I think Congressman Richardson's suggestion is well taken there, and is certainly very interesting as an inclusion.

Second of all, John, we are going to need your help using your last statement. That is, these are of national significance. I believe that, but since this project happens to be located in my district I can hardly blame my colleagues on both sides of the aisle of perhaps having a little suspicion about that. And therefore, simply your testimony or the National Park Service testimony on that point I think will be very helpful to us in the months ahead.

Thank you for being here.

Senator BINGAMAN. We have no additional questions, John.

Senator DOMENICI. Mr. Chairman, I wanted to clarify one thing, if I might.

Senator BINGAMAN. Yes.

Senator DOMENICI. Mr. Cook, let me ask you, with reference to the need to pass this legislation quickly, or not at all, as you have indicated in your responses to Congressman Richardson, am I not correct that does not mean that Congress has to appropriate—let us assume that it is $50 million—that does not mean that Congress has to appropriate the $50 million in one year or we lose the significance of this as a national monument for preservation purposes?

Mr. COOK. Absolutely not. In fact I would have great difficulty obligating the $50 million in one year, Senator. My comment is that authorization and full declaration by the Congress that this is in fact nationally significant and important sets the scene then for appropriation of funds to acquire.

Senator DOMENICI. In the mean time you then acquire certain rights to negotiate with property owners with reference to preservation as you work your way down the line towards actual acquisition. Many of our acquisitions are three to four years.

Mr. COOK. That is correct.

Senator DOMENICI. We never have a full pot of money there, but we never have failed to come through with it. Sometimes we do not know exactly how that muddled gets unmuddled, but we pay for it when we obligate ourselves. You are suggesting that we need to get it in place so that people will not destroy it?

Mr. COOK. That is correct.

Senator BINGAMAN. Thank you very much.

The next panel please come forward. We have Robert M. Findling. We have State Senator Martin Chavez, State Legislator Pauline Eisenstadt, Kiki Saavedra and Representative Dick Minzer. I would also ask Mayor Schultz to please come forward with this panel. I understand the mayor has an obligation that requires him to leave fairly quickly, so if he would also sit with this panel, we would appreciate it.

I would also go ahead and ask the mayor to give us his statement. If he would summarize that for us quickly, so that he can get on to his other obligations. I do not want to be respsonsible for any breakdown in city government, so why do not you start, Mr. Mayor?

STATEMENT OF KEN SCHULTZ, MAYOR, ALBUQUERQUE, NM

Mr. SCHULTZ. Mr. Chairman, Senator Domenici, Congressman Richardson and Congressman Schiff, I want to thank you very much and indeed it is a pleasure to be with you today. I appreciate the opportunity to testify before you on this important issue. Copies of this testimony have been given to your staff, so you will have a chance to review them at length later.

We are now at a critical period in the process of assuring the preservation and protection of one of the most precious natural resources in New Mexico and indeed the nation. We now have the responsibility, if not the moral obligation, to guarantee that 12,000 years of human history and thousands of artistic creations etched into the black rock we call the West Mesa Escarpment do not perish. The preservation and understanding of this unique natural resource, and its history and art can give us greater appreciation of those cultures, struggles and the experiences that have led us to the present.

Mr. Chairman and Members, I am proud of the individuals, the organizations and the citizens who have for several years now given unselfishly of their time, efforts, energies and money in pursuit of the preservation of the petroglyphs. The road that has led us here today has been a long one and certainly not without conflict. But, as you can see, this community, its citizens and indeed this state, are united in the effort to preserve the petroglyphs.

I pledge my continued support of this effort, and optimistically look forward to your support to assure that both pieces of Federal legislation are successful this year to assure that the designation of this national resource as a national monument.

As a businessman, I look this project in an economic as well as environmental terms. As an investment, this project will have significant economic development benefits. It will attract visitors to our city and state. It will enhance our quality of life and help to attract new business and industry. In fact, one of the factors that contributed to Albuquerque's selection to Newsweek's list of America's hot cities, was our progressive open space program and I quote from the Newsweek article, "Albuquerque boasts a north American rarity: a thriving present built atop a visible ancient past. Carved along the base of the volcanoes on the city's western edge are petroglyphs dating back tens of thousands of years."

Further data on the economic impact of this project can be found in the recent report produced for you in support of the Federal legislation of this project. The report indicates that the economic impact of the project will be a minimum of $5 million annually, drawing an estimated 260,000 out-of-state visitors. The report further states: "Both the attractiveness and the vision of the community draw new commerce and residents." The amenities which define the quality of life of our community as designation of petroglyphs as a national monument will add to as well as our whole state. It further distinguishes Albuquerque and the State of New

Mexico as a place which values its historical and national treasures.

Others look to Albuquerque and New Mexico as a special place with high standards for excellence in preservation programs. Businesses and individual tend to consider just amenities as they make location and expansion decisions.

Mr. Chairman, while this project has a great deal of positive, local impact, its national and international significance must not be overlooked.

The Petroglyph National Monument compliments and extends this country's effort to preserve unique cultural resources. It is unique in that no other park or monument focuses especially on Native American rock art. The fact the Pueblo Indians continue to use the escarpment for religious purposes makes this a living monument in the fullest sense of the word. The Southwest, with its unique open spaces and cultural context is as attractive a destination point for the German or Japanese tourist as it would be for people from other parts of our country. Albuquerque citizens see this kind of tourism as a clean industry which is respectful of our unique southwest environment. In closing, Mr. Chairman, Members, we need your collective help in this project. We are not asking for a handout, but instead we are asking for a helping hand. I believe that local government should not ask Federal Government for assistance with projects such as this, unless there is a substantial level of local participation involved.

Our city government, our State government and our citizens have demonstrated, and continue to demonstrate their financial and political commitment to open space and the preservation of our historic and cultural resources.

If I might quickly summarize the elements of our commitment:

Enactment of the escarpment plan;

Annual commitments of several million dollars for open space acquisition;

A special appropriation of $15 million from our Quality of Life Tax for property acquisition in the escarpment area alone;

Legislation in place that allows for acquisition through trades;

A $6 million commitment from State government;

A commitment to a joint management agreement and most recently enactment of a Development Moratorium, which I have signed into law earlier today. This moratorium also allows the city to secure purchase options on properties in the Federal acquisition area that are threatened with immediate development.

In conclusion we ask you to convince your colleagues to please join you, the city and the state in bringing the Federal Government's participation to the escarpment preservation effort.

I appreciate the opportunity to appear before you today, and I look forward to testifying on this issue in Washington.

Thank you very much. And my staff is going to be here on any questions that you might have. Mr. Dan Weeks, the deputy CAO, and Terry Neiberg, who is the director of planning and property and acquisitions for the City of Albuquerque. Again my thanks to all of you.

Senator **Bingaman**. Thank you, Mayor Schultz. We understand you need to leave. I will defer any questions and ask them of someone else. We appreciate your leadership on this issue.

Mr. **Schultz**. Thank you.

Senator **Bingaman**. Any of the other members here want to ask a question of the mayor before he leaves?

Senator **Domenici**. I have some, but I will let him answer them in writing.

[Questions and answers follow:]

J. BENNETT JOHNSTON, LOUISIANA, CHAIRMAN

DALE BUMPERS, ARKANSAS
WENDELL H. FORD, KENTUCKY
HOWARD M. METZENBAUM, OHIO
BILL BRADLEY, NEW JERSEY
JEFF BINGAMAN, NEW MEXICO
TIMOTHY E. WIRTH, COLORADO
KENT CONRAD, NORTH DAKOTA
HOWELL T. HEFLIN, ALABAMA
JOHN D. ROCKEFELLER IV, WEST VIRGINIA

JAMES A. McCLURE, IDAHO
MARK O. HATFIELD, OREGON
PETE V. DOMENICI, NEW MEXICO
MALCOLM WALLOP, WYOMING
FRANK H. MURKOWSKI, ALASKA
DON NICKLES, OKLAHOMA
CONRAD BURNS, MONTANA
JAKE GARN, UTAH
MITCH McCONNELL, KENTUCKY

DARYL OWEN, STAFF DIRECTOR
D. MICHAEL HARVEY, CHIEF COUNSEL
FRANK M. CUSHING, STAFF DIRECTOR FOR THE MINORITY
GARY G. ELLSWORTH, CHIEF COUNSEL FOR THE MINORITY

United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

May 8, 1989

RECEIVED
MAY 11 1989
MAYOR/CAO
OFFICE

The Honorable Ken Schultz
Mayor
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Dear Mayor Schultz:

Senator Domenici has submitted the enclosed questions in follow-up to your testimony on April 28 at the Public Lands, National Parks and Forests Subcommittee hearing on S. 286, the Petroglyph National Monument Establishment Act of 1989.

Your responses will be included in the official hearing record. I would appreciate receiving your answers not later than May 22, 1989. Please return them to the Committee on Energy and Natural Resources, Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

Thank you for your assistance.

Sincerely,

Dale Bumpers

Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests

Enclosure

ADDITIONAL QUESTIONS SUBMITTED BY SENATOR DOMENICI FOR MAYOR SCHULTZ

1. Alternative 3 of the National Park Service study proposes joint City and State, but not Federal, management of the escarpment. I understand that some people believe that this is a viable option, as the City and the State are in a much better financial position than the Federal Government. Can the City and the State afford to shoulder this burden alone?

2. The Subcommittee heard several different figures for the amount of money that the City will raise from the quarter-cent quality of life tax for acquisition of escarpment lands. What is the amount that the City currently estimates will be raised by the tax for escarpment land acquisition?

3. How is the City's acquisition of land along the escarpment proceeding, and specifically, how much money has been spent thus far and how many acres have been acquired?

4. The City has been very active in obtaining funding for this project, and has earmarked approximately $14 million for acquisition of lands in its portion of the National Monument. However, the National Park Service estimates that the City's portion of the acquisition is going to cost $25 million. How does the City plan to finance the difference?

5. The Advisory Committee for the Establishment of a Petroglyph National Monument proposed a number of no-cost and below-market-value transfers of escarpment land to the City in exchange for certain zoning variances. Has the City examined these proposals and what was the City's response?

RESPONSE TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR DOMENICI

1. The City is committed to a good faith course of action in support of the Alternative II proposal advanced by the National Park Service and introduced by the Congressional Deligation. A reintroduction of Alternative 3 at this time would seriously jeopardize the City's financial position, and would negate the State's appropriations for acquisition. In fact, resource demands for the City and State continuously outstrip resources, both in capital and operating funds. The City realizes that the joint effort to establish the monument will ultimately commit the Council to funding a program for management of its portion of the monument. If only City and State management of the entire proposed monument were to occur, City resources for the management of the Piedras Marcadas Unit would be too small for the entire resource, and probably would be limited solely to protection, encompass a much smaller area, and the historic, educational, and interpretative resources would be lost to the public. At present, the Open Space program of the City of Albuquerque is primarily focused on protection , and few interpretative resources exist within the City. The National Park Service has an excellent track record for managing national resources of this nature, and has the staff and expertise to showcase a resource of this type for public access. The monument concept under consideration involves pooled resources to manage this resource, and the City would consider managing the the Atrisco unit under a contract funded by the Federal government.

2. The Official Quarter Cent Plan adopted by the Council for a ten year period adopted a "current dollar" estimate of $13,862,100 of revenues for the Escarpment Acquisition. With the Official Growth estimates adopted by that plan, the total should equal $16,678,500. While we have tried to keep everyone briefed on current tax receipts, these Council adopted estimates are official, and there has been no reason to revise them.

3. The City is attempting to acquire a perimeter of priority properties around its area of responsibility to facilitate management, as well as to prevent development of properties at lower elevations where utilities are available. Thus far the City has acquired 455 acres in the Piedras Marcadas Unit, most recently 91 acres with an expenditure of $2,331,000.00. Approximately 100 additional acres are in an appraisal/title review/survey/and negotiation phase of acquisition in this Unit.

4. Thank you for pointing out an important area of concern to the City, the City's acquisition cost, as well as the liability of the City for properties it is in the process of optioning in good faith in the Federal area of responsibility. The Quarter Cent Tax adopted by the Council included an official total estimate of $28,722,201 for Open Space. While $16,678,500 of that amount was earmarked for escarpment, there is some flexibility granted by the Council if priority revisions are adopted by the Open Space Advisory Board, and approved by the Council. In addition, we anticipate some potential trades of Escarpment Lands for the properties traded to the City by the Federal Government for the Elena Gallegos Wilderness area. Other sources of funds include earmarking General Obligation Bond Funds for these purchases.

While we are confident the City can meet its responsibilities for acquisition and management of the Piedras Marcadas Unit, partial purchases now being made by the City in the Federal area of responsibility to preclude development and the moratorium imposed by the City on development pose a much larger liability than the City is prepared to fund. Issues of potential "taking" could easily arise if Federal action is not prompt, and the City is not in a financial position to both acquisition in the Piedras Marcadas Unit and the Atrisco Unit.

5. The City of Albuquerque received only one offer for below market value transfers, although the concept was advocated by the Advisory Committee for the Establishment of a Petroglyph National Monument. The City Administration advanced a Open Space Acquisition Policy which would make possible such transfers. That Policy was adopted by the Council. The City accepted the only such offer it received, from Bellamah Community Development Corporation, on December 29, 1988. That acceptance required a series of zone changes, and plan amendments, the last of which should be approved in final form by the City Council by June 30, 1989. The City would be most anxious to act on any such proposals in the future. The City must, in these transactions, avoid the practice of contract zoning. As a result, all such transactions undergo extensive legal review.

Senator BINGAMAN. Why do not we go on down the panel. Robert Findling, who is with the Department of Energy, Minerals and Natural Resources for the State of New Mexico, and you have with you here Tom Merlan, who is the State Historic Preservation Officer, I see. We are very pleased to have you here.

If you could summarize your statement, we would appreciate it.

STATEMENT OF ROBERT M. FINDLING, DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, STATE OF NEW MEXICO

Mr. FINDLING. Thank you, Mr. Chairman, Senator Domenici, Congressman Richardson and Congressman Schiff. I am Robert M. Findling, and I represent Dr. Tom Bahr, Secretary of New Mexico Energy, Minerals and Natural Resources Department. We certainly appreciate your traveling to Albuquerque and the invitation to testify concerning efforts to establish the Petroglyph National Monument.

The State of New Mexico supports the National Park Service Alternate 2 proposal to the establishment of a Petroglyph National Monument and the preservation of the nationally significant cultural resources which have been identified on Albuquerque's West Mesa. The New Mexico State legislature has already passed four measures which address the petroglyph preservation issue. The first two of these measures (Senate Memorial 116 and House Memorial 26 of 1987) requested the technical assistance and support of several state agencies for the NPS feasibility study and expressed support for the monument's creation. The third (Chapter 3 of the Laws of 1988) appropriates $300,000 for land acquisition in the state's designated acquisition area, and the fourth (Chapter 315 of the Laws of 1989) appropriates $5.7 million for additional land acquisition. I have available copies of this legislation which you may wish to have placed in the hearing record.

Both the 1988 and 1989 appropriations contain contingency language which reflects both legislative intent and the nature of the state's long-standing relationship with the City of Albuquerque regarding the existing Indian Petroglyph State Park. The contingency language requires both the creation of a joint land acquisition effort and the designation of the National Monument before funds are released. We anticipate, that should the National Monument be created, the state funds provided would be transferred to the city to finance a portion of the land acquisition efforts. This acquisition is consistant with the fact that Indian Petroglyph State Park is a state park in name only as the park is both owned and operated by the City of Albuquerque.

We are extremely appreciative of the leadership which Senator Domenici and his staff have provided with respect to this issue and the important contributions the advisory task force he established played in resolving potential monument boundary conflicts. The state was represented on the task force and played an active role in assisting in this effort. We are extremely encouraged by resolution of the boundary conflicts which surfaced and are hopeful that the Congress will act swiftly to designate the National Monument. If we are to insure that both private property rights and cultural resources are fully protected, monument designation and funding of land acquisition or interim leasing must proceed as quickly as possible.

The city is in a better position than either the state or Federal Government to predict the impacts of any delays in negotiating the boundaries of the National Monument on the area's cultural resources. Clearly the publicity which has been generated by the entire national monument effort has resulted in additional unregulated use of the area. Also, delays in providing funding for land acquisition have frustrated many landowners and placed key areas of the potential monument at the risk of either residential or commercial development. Albuquerque recently adopted a moratorium on new development within the proposed Alternative 2 monument boundaries which clearly will provide interim protection from developmental impacts until acquisition can take place. While we remain confident that the three governmental levels which are working towards the management plan will successfully protect the site's archeological resources, given Federal action.

At the state level competition for limited resources continues to be keen. There are 44 New Mexico State Parks, each of which has very serious and immediate needs for renovation or improvement, which cannot be addressed due to limited state funds. The vast majority of state funds available for park improvements have historically come from severance taxes, and as a result of depressed oil and gas industry in New Mexico the funding of park improvements and land acquisitions has fallen dramatically. However, the legislature and governor were able to address the urgent need to identify funding for the state's portion of the land acquisition costs associated with NPS Alternative 2 recommendation.

I have available bar graphs which depict recent state and state park capital funding trends and list of state projects with authorized but unsold severance tax bonds. The bar graph clearly depicts the dramatic decline in severance tax funding for which the state continues to suffer.

Also because it is my understanding that attention continues to be directed to the possibility of using a conservation easement as a means of acquisition of Atrisco Land Grant property, I have brought a copy of correspondence from Secretary Bahr to Congressman Richardson regarding that issue. The correspondence was prepared at the Congressman's request following the House Interior Subcommittee on General Oversight and Investigations Hearing of October 12, 1988. The letter relates the opinion of the Department's general counsel that, and I quote, "it would appear that a carefully defined easement to definite property for enumerated National Monument uses could convey reliable and enforceable rights under existing New Mexico case law, notwithstanding the absence of specific purpose legislation." I will make a copy of that correspondence available for the committee's hearing record as well.

Clearly the state is not in a position to review even the acquisition concept within the context of the Federal or National Park Service Department.

In closing I should indicate that we are hopeful that provisions in section 3 of S. 286, allowing the flexibility in land acquisition and subsequent exchange between the Federal Government and the state and city will remain intact so that critical acquisitions can be made within the Federal portion of the monument even before Federal funds are made available but after the monument has been designated. We express our appreciation to the committee for requesting testimony from the State of New Mexico.

Thank you.

[The prepared statement of Mr. Findling follows:]

TESTIMONY PRESENTED TO THE
PUBLIC LANDS SUBCOMMITTEE OF THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

April 28, 1989

Mr. Chairman and members of the committee, I am Robert M. Findling, and I represent Dr. Tom Bahr, Secretary of the New Mexico Energy, Minerals and Natural Resources Department. We appreciate your traveling to Albuquerque and the invitation to testify concerning efforts to establish the Petroglyph National Monument.

The State of New Mexico supports the National Park Service (NPS) alternative two proposal for the establishment of a Petroglyph National Monument and the preservation of the nationally significant cultural resources which have been identified on Albuquerque's West Mesa. The New Mexico State Legislature has already passed four measures which address the petroglyph preservation issue. The first two of these measures (Senate Memorial 116 and House Memorial 26 of 1987) requested the technical assistance and support of several state agencies for the NPS feasibility study and expressed support for the monument's creation. The third (Chapter 3 of the Laws of 1988) appropriated $300,000 for land acquisition and the fourth (Chapter 315 of the Laws of 1989) appropriates $5,700,000 for land acquisition. I have available copies of this legislation which you may wish to have placed in the hearing record.

Both the 1988 and 1989 appropriations contain contingency language which reflects both legislative intent and the nature of the state's long standing relationship with the City of Albuquerque regarding the existing Indian Petroglyph State Park. The contingency language requires both the creation of a joint land acquisition effort and the designation of the National Monument before funds are released. We anticipate, that should the National Monument be created, the state funds provided would be transferred to the City to finance a portion of the land acquisition effort. This action is consistent with the fact that Indian Petroglyph State Park is a state park in name only as the park is both owned and operated by the City.

We are extremely appreciative of the leadership which Senator Domenici and his staff have provided with respect to this issue and the important contribution the Advisory Task Force he established played in resolving potential monument boundary conflicts. The state was represented on the Task Force and played an active role in assisting in this effort. We are extremely encouraged by the resolution of the boundary conflicts which surfaced and are hopeful that the Congress will act swiftly to designate the National Monument. If we are to insure that both private property rights and cultural resources are fully protected, monument designation and funding of land acquisition or interim leasing must proceed as quickly as possible.

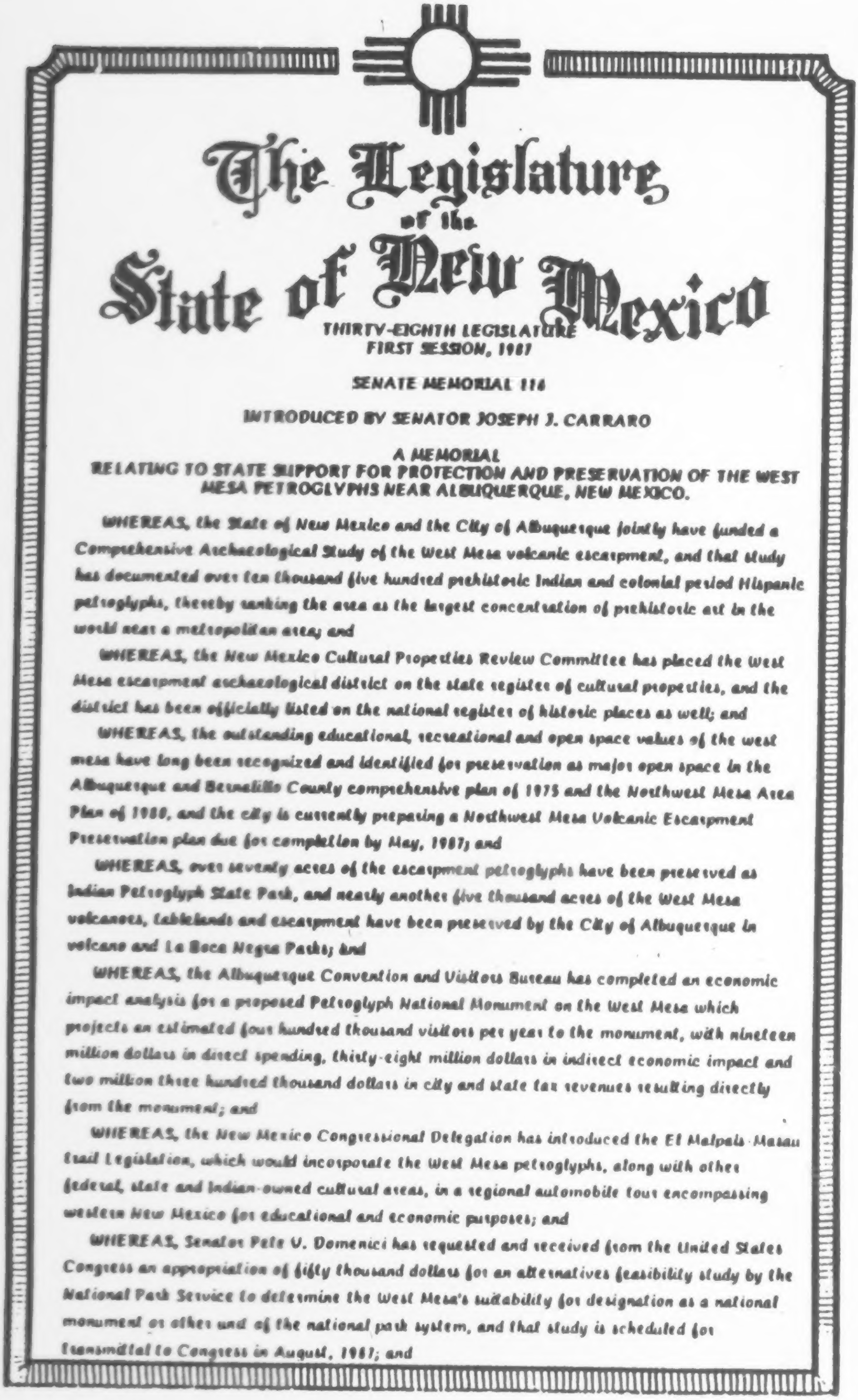
The City of Albuquerque is in a better position than either the state or federal government predict the impacts of any delays in negotiating the boundaries of the National Monument on the area's cultural resources. Clearly the publicity which has been generated by the NPS feasibility study has resulted in additional unregulated use of the area which is undoubtedly impacting both petroglyphs and archeological sites. Also, delays in providing funding for land acquisition have frustrated many landowners and placed key areas of the potential monument at the risk of either residential or commercial development. Albuquerque recently placed a moratorium on new development within the proposed alternative two monument boundaries which should provide interim protection from developmental impacts until acquisition can take place. While we remain confident that the National Park Service, State of New Mexico and City of Albuquerque can develop a management plan which provides for public access while protecting the site's archeological resources, it may become necessary for the City to provide additional staff in order to protect the area's resources from inappropriate public use until the NPS plan is in place.

We continue to be concerned that the United States Congress may not be in a position to adequately fund the development of the proposed National Monument within a time frame that treats private landowners fairly. At the state level, competition for limited resources is keen. For example, there are forty-four New Mexico state parks, each of which has very serious and immediate need for renovation and improvement which are not being addressed due to limited state funds. The vast majority of state funds available for park improvements are derived from severance taxes, and as a result of the depressed oil and gas industry in New Mexico the funding of park improvements and land acquisitions have fallen dramatically. However, the Legislature and Governor were able to address the urgent need to identify funding for the state's portion of the land acquisition costs associated with the NPS alternative two recommendation.

I have available both a bar graph which depicts recent park capital funding trends and a list of state projects with authorized but unsold severance tax bonds. The bar graph clearly depicts the dramatic decline in severance tax funding from which the state continues to suffer. The project listing serves to illustrate the other projects which will be competing with the six million dollars authorized for inclusion in upcoming bond sales. At present the chief state economist anticipates that as little as $4.7 million in severance tax bonds may be issued until 1992, however, these projections are extremely sensitive to revenue estimates, and would be dramatically affected by changes in the oil and gas market.

Also, because it is my understanding that attention continues to be directed to the possibility of using a conservation easement as a means of acquisition of Atrisco Land Grant property, I have brought a copy of correspondence from Secretary Bahr to Congressman Bill Richardson regarding that issue. The correspondence was prepared at the Congressman's request following the House Interior Subcommittee on General Oversight and Investigations Hearing of October 12, 1988. The letter relates the opinion of the Department's general counsel that "it would appear that a carefully defined easement to definite property for enumerated National Monument uses could convey reliable and enforceable rights under existing New Mexico case law, notwithstanding the absence of specific purpose legislation." I will make a copy of that correspondence available for the Committee's hearing record.

In closing I should indicate that we are hopeful that provisions in Section 3 of S.286, allowing for flexibility in land acquisition and subsequent exchange between the federal government, state and city will remain intact so that critical acquisitions can be made within the federal portion of the monument even before federal funds are made available. We express our appreciation to the committee for requesting the testimony of the New Mexico Energy, Minerals and Natural Resources Department.



The Legislature of the State of New Mexico

THIRTY-EIGHTH LEGISLATURE
FIRST SESSION, 1987

SENATE MEMORIAL 116

INTRODUCED BY SENATOR JOSEPH J. CARRARO

A MEMORIAL
RELATING TO STATE SUPPORT FOR PROTECTION AND PRESERVATION OF THE WEST MESA PETROGLYPHS NEAR ALBUQUERQUE, NEW MEXICO.

WHEREAS, the State of New Mexico and the City of Albuquerque jointly have funded a Comprehensive Archaeological Study of the West Mesa volcanic escarpment, and that study has documented over ten thousand five hundred prehistoric Indian and colonial period Hispanic petroglyphs, thereby ranking the area as the largest concentration of prehistoric art in the world near a metropolitan area; and

WHEREAS, the New Mexico Cultural Properties Review Committee has placed the West Mesa escarpment archaeological district on the state register of cultural properties, and the district has been officially listed on the national register of historic places as well; and

WHEREAS, the outstanding educational, recreational and open space values of the west mesa have long been recognized and identified for preservation as major open space in the Albuquerque and Bernalillo County comprehensive plan of 1975 and the Northwest Mesa Area Plan of 1980, and the city is currently preparing a Northwest Mesa Volcanic Escarpment Preservation plan due for completion by May, 1987; and

WHEREAS, over seventy acres of the escarpment petroglyphs have been preserved as Indian Petroglyph State Park, and nearly another five thousand acres of the West Mesa volcanoes, tablelands and escarpment have been preserved by the City of Albuquerque in volcano and La Boca Negra Parks; and

WHEREAS, the Albuquerque Convention and Visitors Bureau has completed an economic impact analysis for a proposed Petroglyph National Monument on the West Mesa which projects an estimated four hundred thousand visitors per year to the monument, with nineteen million dollars in direct spending, thirty-eight million dollars in indirect economic impact and two million three hundred thousand dollars in city and state tax revenues resulting directly from the monument; and

WHEREAS, the New Mexico Congressional Delegation has introduced the El Malpais-Masau trail Legislation, which would incorporate the West Mesa petroglyphs, along with other federal, state and Indian-owned cultural areas, in a regional automobile tour encompassing western New Mexico for educational and economic purposes; and

WHEREAS, Senator Pete V. Domenici has requested and received from the United States Congress an appropriation of fifty thousand dollars for an alternatives feasibility study by the National Park Service to determine the West Mesa's suitability for designation as a national monument or other unit of the national park system, and that study is scheduled for transmittal to Congress in August, 1987; and

WHEREAS, staff from the Office of Cultural Affairs and the Natural Resources Departmen now represent New Mexico on the National Park Service Study team for the Albuquerque West Mesa petroglyph area, and the planning alternatives being studied by that team include cooperative acquisition or management of a new national park system unit by city, state or federal agencies; and

WHEREAS, over eight hundred acres of the National Park Service Albuquerque West Mesa Petroglyph Study area are New Mexico trust lands administered by the State land office;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that it directs the Office of Cultural Affairs, Natural Resources Department, State Land Offic Economic Development and Tourism Department and the Department of Game and Fish to actively consult with and provide technical assistance to the National Park Service and the Cit of Albuquerque in preparation of the alternatives feasibility and Volcanic Escarpment Preservation Studies now underway; and, further, to evaluate and determine what the state's ultimate roles should be in assisting with this project and to report their recommendations to the second session of the thirty-eighth Legislature in 1988; and

BE IT FUTHER RESOLVED that the State Land Office be directed to cooperate fully and explore with the City of Albuquerque and the National Park Service the feasibility of sale or exchange of state trust lands within the National Park Service Albuquerque West Mesa Petroglyph Study area in order to consolidate land ownership as necessary to implement creation of a new unit of the National Park System; and

BE IT FURTHER RESOLVED that copies of this Memorial be sent to the above named State agencies, to the Mayor of the City of Albuquerque, New Mexico, to the National Park Service Regional Headquarters in Santa Fe, New Mexico, to Mr. Ike Eastvold, chairman of the friends o the Albuquerque petroglyphs and to each member of the New Mexico Congressional Delegation.

1912

Signed and Sealed at The Capitol,
in the City of Santa Fe.

Jack Stahl, President
New Mexico State Senate

Juanita Pino, Chief Clerk
New Mexico State Senate

HOUSE MEMORIAL 26

38TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1987

INTRODUCED BY

A MEMORIAL

RELATING TO THE PETROGLYPH ESCARPMENT AREA IN BERNALILLO COUNTY.

WHEREAS, the ancient petroglyphs on the escarpment area on the mesa north of the interstate highway and west of Atrisco and Unser boulevards are highly valuable examples of this country's first settlers, the American Indians; and

WHEREAS, the preservation of these petroglyphs is of great importance not only to the decendants of those early Americans, but also to all citizens of the state since the petroglyphs are an essential part of New Mexico's tricultural heritage;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that it urges efforts to be made to preserve the petroglyph escarpment area in Bernalillo county, as above described, by declaring that area to be a national monument under the care of the national park service; and

BE IT FURTHER RESOLVED that copies of this memorial be sent to the Santa Fe headquarters of the national park service and to each member of the New Mexico congressional delegation.

The Legislature
of the
State of New Mexico

38th Legislature, 2nd Special Session

LAWS 1988

CHAPTER 3

SENATE BILL 2, as amended,

with emergency clause

Introduced by
SENATOR FERNANDO R. MACIAS
SENATOR BEN D. ALTAMIRANO
SENATOR TITO D. CHAVEZ
SENATOR W. S. "SMITTY" EOFF
SENATOR JOSEPH A. FIDEL
SENATOR LES HOUSTON
SENATOR STUART INGLE
SENATOR VICTOR R. MARSHALL

1912

hall of fame;

~~(3) fifty thousand dollars ($50,000) for renovation of the Santa Fe armory for the arts;~~

(4) three million dollars ($3,000,000) to match local funds for the design and construction of the New Mexico performing arts center to be located in Albuquerque;

(5) nine hundred thousand dollars ($900,000) for providing matching funds for the design and construction of a balloon and science museum in Albuquerque; and

(6) two hundred thousand dollars ($200,000) to acquire land for the Hispanic cultural center in Albuquerque contingent upon the city of Albuquerque or Bernalillo county providing matching funds for acquisition of the land.

F. Upon certification of the energy, minerals and natural resources department, five hundred thousand dollars ($500,000) is appropriated to the energy, minerals and natural resources department to acquire unique and ecologically significant lands which afford habitat for rare, threatened or endangered species and are the best remaining examples of native ecological communities. The certification is contingent upon the natural lands protection committee recommending that lands be acquired under the provisions of the Natural Lands Protection ~~Bond~~ Act.

G. Upon certification of the state park and recreation division of the energy, minerals and natural resources department, three hundred thousand dollars ($300,000) is appropriated to the state park and recreation division for acquiring land additions to the Indian petroglyph state park as a part of the proposed petroglyph national monument. The certification and issuance of the bonds authorized under this paragraph is contingent upon the United States department of interior establishing the petroglyph national monument and upon the creation of a joint city, state and federal land acquisition office.

H. Upon certification of the state highway and transportation department, the following amounts are appropriated to the state highway and transportation department for the following purposes:

6/30/90
CERTIFICATION
DEADLINE

(1) three hundred thousand dollars ($300,000) for drainage and street improvements in unit 16 of the city of Rio Rancho;

(2) three hundred fifty thousand dollars ($350,000) for constructing improvements at the Taos airport;

(3) two hundred thousand dollars ($200,000) for paving and making drainage improvements to streets of Springer;

(4) two hundred thousand dollars ($200,000) to construct design changes to improve drainage and prevent flooding in the north central area of Tucumcari;

(5) three hundred thousand dollars ($300,000) for making emergency street repairs in the municipality of Lovington;

(6) two hundred thousand dollars ($200,000) for making emergency street repairs to the city of Tatum;

(7) one million seventy-five thousand dollars ($1,075,000) for planning, designing, constructing and acquiring land

The Legislature

of the

State of New Mexico

39TH Legislature, 1ST Session

LAWS 1989

CHAPTER 315

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR HOUSE BILLS
24,25,39,52,53,58,64,66,71,74,77,80,83,87,92,101,146,148,164,165,166,181,182,198,208,
211,215,218,225,226,229,230,231,233,234,235,236,238,239,245,250,253,255,257,258,259,
262,264,265,273,276,278,289,291,293,302,306,314,316,326,328,329,330,348,356,357,359,
361,366,374,391,393,408,409,413,421,430,434,438,441,465,470,491.502,503,506,511,516.
535,542,546,560,567,569,605,624,625,635,646,663,672,700,720,721,725,738,744,753,754,
765,767,772,774,799,803,826,849 AND 855
AND FOR HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 871,892&897
AND FOR HOUSE TRANSPORTATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 83
AS AMENDED WITH EMERGENCY CLAUSE

1912

provided in House Bill -35 of the first session of the thirty-ninth legislature, if that bill is enacted into law.

~~Section 8. APPROPRIATION--NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND.--One hundred twenty-five thousand dollars ($125,000) is appropriated from the New Mexico irrigation works construction fund to the state engineer for expenditure in the seventy-eighth and seventy-ninth fiscal years for the purpose of repairing the east Pecos river dam and west Pecos river dam. Any unexpended or unencumbered balance remaining at the end of the seventy-ninth fiscal year shall revert to the New Mexico irrigation works construction fund.~~

Section 9. SEVERANCE TAX BONDS--PURPOSES FOR WHICH ISSUED--APPROPRIATION OF PROCEEDS.--

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for the purposes specified in this section or in any lesser amount as may be legally issued under limitations provided by either state or federal law, or both. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take such appropriate steps as are necessary to comply with the Internal Revenue Code of 1986, as amended. Proceeds from the sale of bonds are appropriated for the purposes specified in this section.

B. The agencies named in this section shall notify the state board of finance when the money from the proceeds of the severance tax bonds authorized in Subsection A of this section is needed for the purposes specified in Subsections C, D and E of this section.

C. Upon certification of the state park and recreation division of the energy, minerals and natural resources department that the need exists for issuance of the bonds, five million seven hundred thousand dollars ($5,700,000) is appropriated to the state park and recreation division for the purpose of acquiring land representing the state's commitment to the proposed petroglyph national monument located in Bernalillo county. The certification and issuance of bonds is contingent upon the following provisions:

(1) the federal government designating the proposed petroglyph site a national monument;

(2) the city of Albuquerque providing funding equal to this appropriation; and

(3) the energy, minerals and natural resources department entering into a joint powers agreement with the city of Albuquerque in order for the city of Albuquerque to acquire lands necessary for the state's portion of the proposed petroglyph national monument.

D. Upon certification of the local government division of the department of finance and administration that the need exists for issuance of the bonds, two million dollars ($2,000,000) is appropriated to the local government division of the department of finance and administration for land acquisition, engineering and design, construction and improvements for a water canal from downtown Carlsbad into the Pecos river. The certification and issuance of bonds is contingent upon the city of Carlsbad providing an equal amount of funding from other than state sources.

E. Upon certification of the public school capital outlay council that the need exists for issuance of the bonds, one million eight hundred thousand dollars ($1,800,000) is appropriated to the public school capital outlay fund for the planning, design and construction of certain school buildings in Gadsden.

F. If the specified agency has not certified the need for the issuance of the bonds by the end of the eightieth fiscal year, the authorization provided in this section shall be void. 6/30/92

G. Unless otherwise specified, any unexpended or unencumbered balance remaining from the proceeds of severance tax bonds issued pursuant to this section shall revert to the severance tax bonding fund six months after completion of the project.

Section 10. SEVERANCE TAX BONDS--REAUTHORIZING CERTAIN BALANCES--CHANGING PURPOSES FOR WHICH ISSUED--APPROPRIATION OF PROCEEDS.--The unexpended or unencumbered balance of the proceeds from the sale of severance tax bonds issued pursuant to Paragraphs (1), (3), (5) and (13) of Subsection Q of Section 1 of Chapter 15 of

F. seventy-five thousand dollars ($75,000) to complete the el rancho bridge in Santa Fe county.

Section 11. SEVERANCE TAX BOND--REAUTHORIZING THE ISSUANCE OF BONDS PREVIOUSLY AUTHORIZED BUT NOT ISSUED--CHANGING THE PURPOSE--APPROPRIATING THE PROCEEDS.--In lieu of the purpose specified in Paragraph (4) of Subsection N of Section 1 of Chapter 287 of Laws 1983, three hundred thousand dollars ($300,000) of severance tax bonds authorized in that paragraph may be issued in accordance with Subsection A of Section 8 of this act when the state park and recreation division of the energy, minerals and natural resources department certifies that the need exists for issuance of the bonds. The proceeds from the sale are appropriated to the department for the purpose of purchasing equipment and for improvements to the Santa Rosa lake, Santa Rosa park lake and the blue hole recreation area with the improvements to include a fountain, a permanent outdoor stage, additional picnic facilities and repairs of roadways, shelters and boat docks.

Section 12. CONTINGENCY.--If any other bills of the first session of the thirty-ninth legislature which authorize funding for any project enumerated in this act are passed and signed into law, authorizations for funding contained in this act shall be reduced by the amount contained in those acts of the first session of the thirty-ninth legislature.

Section 13. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in this act include one percent for the art in public places fund.

Section 14. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HTRCS/
HB 24 et a
Page 47

Raymond Sanchez

RAYMOND G. SANCHEZ, SPEAKER
HOUSE OF REPRESENTATIVES

STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

Jack Stahl

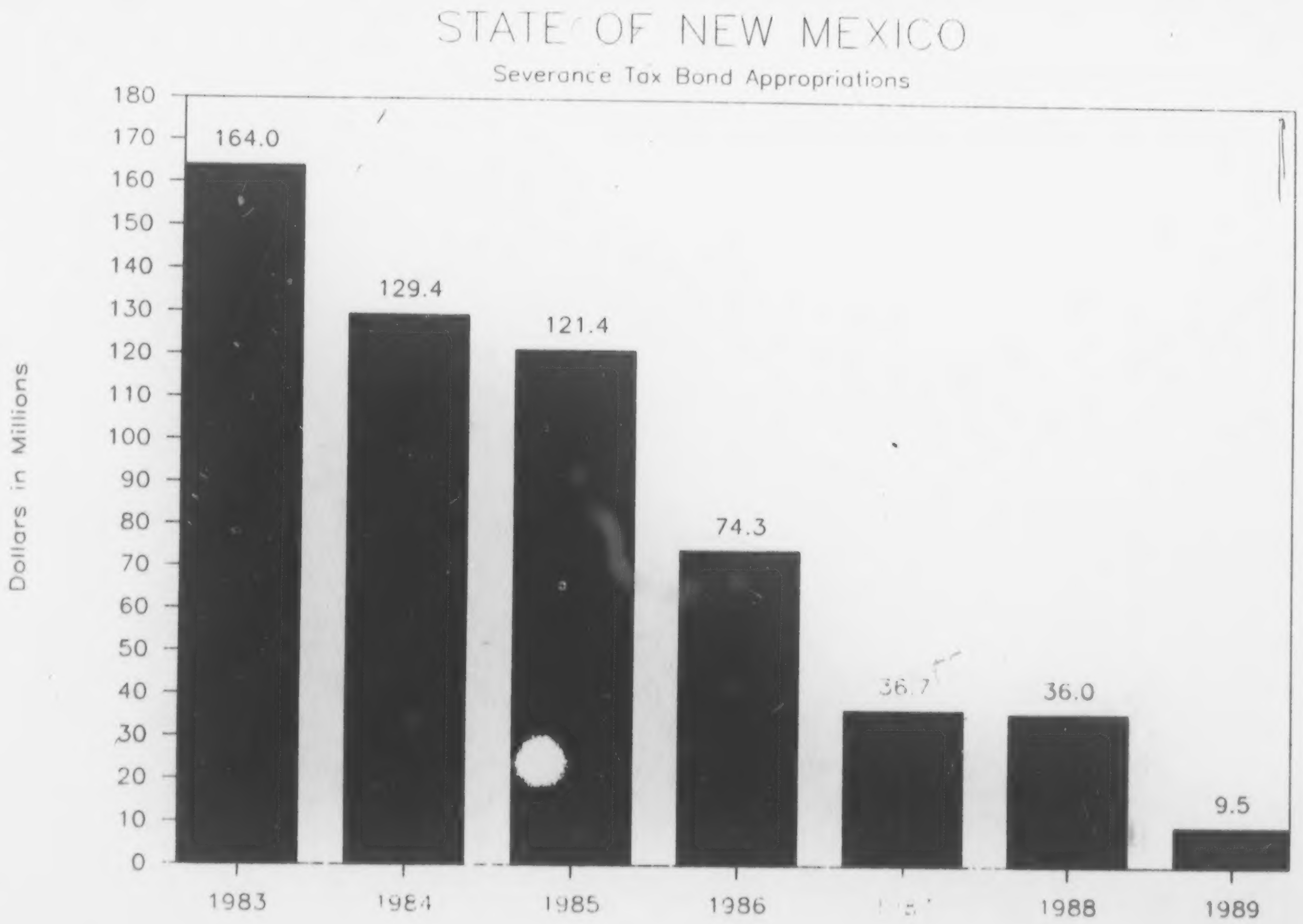
JACK STAHL, PRESIDENT
SENATE

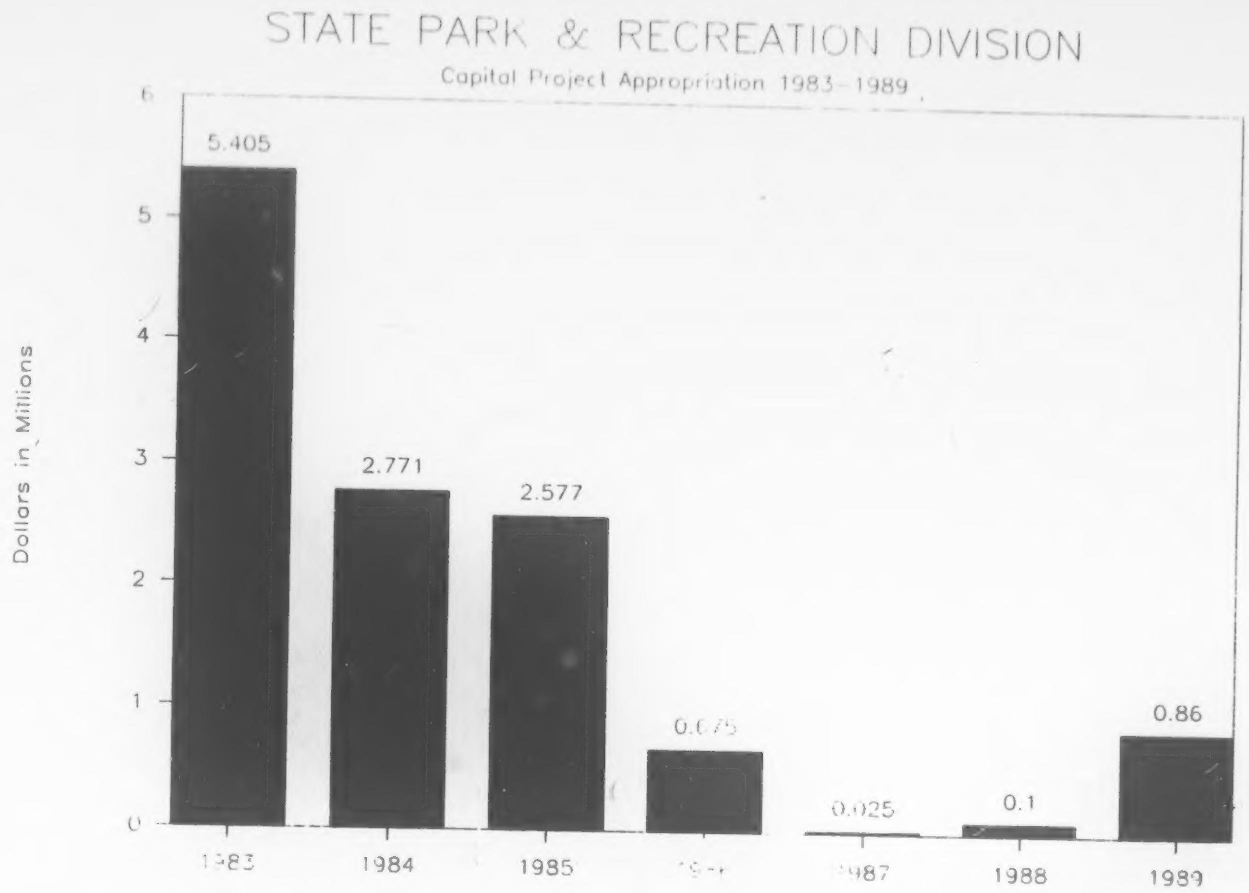
Juanita Pino

JUANITA PINO, CHIEF CLERK
SENATE

Approved by me this 7th day of April, 1989

GARREY CARRUTHERS, GOVERNOR
STATE OF NEW MEXICO


STATE OF NEW MEXICO
Severance Tax Bond Appropriations
Dollars in Millions
180
170
160
150
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
164.0
129.4
121.4
74.3
36.7
36.0
9.5
1983
1984
1985
1986
1988
1989



Graph depicts all state financed capital project appropriations for state parks operated by the New Mexico State Park & Recreation Division.

01/10/89

TABLE 2

DFA - CAPITAL PROJECTS MONITORING SYSTEM
PROJECTS WITH AUTHORIZED BUT UNSOLD SEVERANCE TAX BONDS
1983 - 1988 Projects

CHAP NO.	AGENCY	PROJECT TITLE	AMOUNT APPROP	TOTAL BONDS SOLD	UNSOLD BALANCE
** YEAR: 19 83					
287	EMNRD	Santa Rosa Lake State Park Water Rights	300000	0	300000##
** Subtotal **					
			300000	0	300000
** YEAR: 19 86					
115	EID	Wastewater Construction Grants Match	3250000	2249862	1000138
** Subtotal **					
			3250000	2249862	1000138
** YEAR: 19 87					
354	DE	Navajo Headstart Program Equipment	160000	0	160000
354	AOA	Santa Clara Pueblo Sr/Comunty Ctr Constr	100000	0	100000
354	AOA	Statewide Sr Citizen Ctr Renov/Equip	400000	288640	111360
354	AOA	Tatum Sr Citizen Ctr Kitchen Remodeling	25000	0	25000
354	DFA	Jemez Pueblo Library Addition Constr	75000	0	75000
354	ENMU	ENMU - Clovis Student Assembly Area	225000	0	225000
354	OCA	Taos Pueblo House & Drainage Stabilizatn	100000	0	100000
** Subtotal **					
			1085000	288640	796360
** YEAR: 19 88					
3	EID	Rural Infrastructure Revolving Loan Fund	3000000	1499268	1500732
3	EID	Hondo River Erosion Control Project	150000	0	150000
3	OCA	Albq NM Performing Arts Ctr Design/Const	3000000	0	3000000
3	OCA	Albq Balloon Museum Design/Construction	900000	0	900000
3	OCA	Albq Hispanic Cultural Center Land Acq	200000	0	200000
3	EMNRD	Ecologically Significant Land Acq (STB)	500000	0	500000
3	EMNRD	Petroglyph State Park Land Acquisition	300000	0	300000
3	HTD	Gallup Railroad Depot Renovation	1000000	0	1000000
3	DFA	Belen St Rd 6 Water Lines/Sewers/Widen	292800	0	292800
3	DPS	Raton St Police Subdistrict Ofc Constr	300000	0	300000
3	OIA	Child Dev Program Portable Classrooms	129300	0	129300
3	OIA	Child Dev Program Buses	220000	0	220000
3	OIA	Mexican Springs Child Dev Ctr Additions	36800	0	36800
3	OIA	Tohatchi Child Dev Center Classroom Bldg	43100	0	43100
3	OIA	Twin Lakes Child Dev Ctr Classroom Bldg	43100	0	43100
3	OIA	Navajo Child Dev Center Constr/Renovatn	18000	0	18000
3	OIA	Huerfano Child Dev Center Improvements	9000	0	9000
3	OIA	Nageezi Child Dev Center Improvements	9000	0	9000
3	OIA	Naschitti Child Dev Center Paving	12000	0	12000
3	OIA	Sheep Springs Child Dev Ctr Improvements	9000	0	9000
3	OIA	Shiprock Multipurpose Center Plng/Design	300000	0	300000
3	OIA	Two Grey Hills Child Dev Ctr Improvemnts	10000	0	10000
3	OIA	Coyote Canyon Child Dev Ctr Improvements	10000	0	10000
3	EDTD	Albq Int'l Airport Welcome Center Constr	275000	0	275000
** Subtotal **			10767100	1499268	9267832
*** Total ***			15402100	4037770	11364330

This appropriation may be moot because legislative contingencies have not been met; however, it is included here because it has not yet been legislatively deauthorized.

Bob Findling

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87503

GARREY CARRUTHERS
GOVERNOR

TOM BAHR
CABINET SECRETARY

ANITA LOCKWOOD
DEPUTY SECRETARY

November 15, 1988

The Honorable Bill Richardson
United States Congressman
Third District, New Mexico
332 Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Richardson:

RE: House Interior Subcommittee on General Oversight and Investigations
Hearing October 12, 1988 - Albuquerque
Petroglyph National Monument
Land Acquisition - Conservation Easement

You have asked the Energy, Minerals and Natural Resources Department whether New Mexico law provides for land acquisition by easement in aid of establishing a public use such as the referenced National Monument. This is to respond to your inquiry. We have not attempted any review of federal requirements nor National Park Service policies and guidelines relating to land acquisition and subsurface ownership.

As you may know, the National Conference of Commissioners on Uniform State Laws first recommended a model Uniform Conservation Easement Act in 1981. Our Legislature has never adopted the model Act. Accordingly, any easement to be granted by Westland Development Company must be considered in light of New Mexico's general statutory and case law.

The first point to be made is that easements can be acquired either by prescriptive or necessary use or by express grant. A prescriptive easement requires proof of open, uninterrupted, peaceable, adverse and notorious use under a claim of right for a period of at least ten years with the actual or imputed knowledge of the owner of the dominant estate. Brooks v. Tanner, 101 N.M. 203, 207, 680 P.2d 343 (1984).

An easement by necessity requires proof that the claimant purchased from a common seller and is cut off from access to any public way when the seller disposes of its remaining property to additional buyers. Brooks v. Tanner, supra, at 208.

VILLAGRA BUILDING - 408 Galisteo
Office of the Secretary
827-7835
Forestry Division
P.O. Box 2167 827-5830
Park and Recreation Division
P.O. Box 1147 827-7465

MARQUEZ BUILDING - 525 Camino de los Marquez
Office of the Deputy Secretary
827-5950
Administrative Services
827-5925
Energy Conservation & Management
827-5900
Mining and Minerals

LAND OFFICE BUILDING - 310 Old Santa Fe Trail
Oil Conservation Division
P.O. Box 2088 827-5800
CAMPUS STATION - Socorro, New Mexico 87801
State Mine Inspector
c/o New Mexico Tech. 835-5460

It is obviously more likely in the present case that the easement contemplated from Westland Development Company to the United States for purposes of Petroglyph National Monument will be by express grant. Here our law is essentially open as to the extent to which a grantor may confer liberties, privileges, rights and advantages in the dominant estate to a grantee. Kennedy v. Bond, 80 N.M. 734, 736, 460 P.2d 809 (1969); Martinez v. Martinez, 93 N.M. 673, 675, 604 P.2d 366 (1979). So long as the easement is described with the same accuracy as is required for other conveyances of interests in property, it will be upheld by the courts. Germany v. Murdock, 99 N.M. 679, 681, 662 P.2d 1346 (1983). Nonuse of an easement by express grant, for however long, does not work an abandonment, Sedillo Title Guaranty, Inc. v. Wagner, 80 N.M. 429, 431, 457 P.2d 361 (1969); nor may the use authorized by grant be changed by either party without consent from the other party, ibid. Thus, it would appear that a carefully defined easement to definite property for enumerated National Monument uses could convey reliable and enforceable rights under existing New Mexico case law, notwithstanding the absence of specific purpose legislation.

Finally I note that any such grant from Westland Development Company to the United States would call into play our local statutes governing the conveyance and disposition of property interests in the common lands of Spanish land grants to nonheirs. Sections 49-2-2, 7, 10 and 16 NMSA 1978. Failure to give the required notice and obtain the requisite approval by vote at public meeting would clearly undermine the validity of Westland's grant of an easement. Davis v. Westland Development Company, 81 N.M. 296, 466 P.2d 862 (1970).

I trust that you may find the foregoing helpful in your deliberations. If we can be of further service in this worthwhile effort, please let me know.

Sincerely,

TOM BAHR
Secretary

TB:rm

bcc: The Honorable Pete Domenici
Alex Valdez, Governor's Office
Skeeter Paul, SPARD Director
Bob Findling, SPARD

Senator **Bingaman**. Thank you very much.

Before we ask any questions, I would like to go ahead and hear the testimony from each of the witnesses in this panel. The other four witnesses are members of our state legislature who have really taken the lead in seeing to it that the State of New Mexico has been aggressive in pursuing preservation of this area. So I want to call on each of them for a short statement, and let me start with Senator Marty Chavez who represents that area of the state. We appreciate you being here; look forward to your statement.

STATEMENT OF HON. MARTIN J. CHAVEZ, NEW MEXICO STATE SENATOR

Mr. **Chavez**. Mr. Chairman, Senator Domenici, Congressmen, I want to thank you for the opportunity to be here today and give you my perspective as a state senator and resident of the west side of Albuquerque. I think being born and raised here in Albuquerque, and Senator Domenici, perhaps you can appreciate this, there was no real threat to the petroglyphs when we were growing up. It was an area way outside on the west side of town, and except for an occasional beer bust by high school students on a weekend vandalism was limited. Those days are gone. We are bounded on one side by the mountains, on the north by the Sandia Pueblo, on the south by the Air Force base. We are growing to the west. At this point fully 75 percent of all new housing permits for construction are being let on the west side of the Rio Grande, and so the day when the petroglyphs will be not the west end of Albuquerque but the geographic center of Albuquerque are really forseeable, and the threat of destruction is truly imminent.

We are really proud on the west side, understandably, to have the petroglyphs in our back yard, but I think we recognize this is a site of really national significance. And we applaud your efforts to preserve this site; not just for our children but the children and grandchildren of all Americans. This is really important.

The problem we have is that preservation of this site is too great for New Mexico alone. The city does its share, approximately $14 million. By passing Senate Bill 37 and bills introduced in the State House of Representatives by Representatives Pauline Eisenstadt and Kiki Saavedra, the state has come across with $6 million. But those two, municipal and state, are not enough to get the job done. We need the resources of the Federal Government if we are going to make this work.

It is imperative we understand the past and be guided by the past and in part make our decisions for the future. The petroglyphs are a link for all persons with the past. And so I want to applaud your efforts, and I want to tell you that I am available, any resources that we have on the west side are available to assist you in your efforts to obtain designation in protecting and preserving the petroglyphs.

I would like to close my comments on the issue of the Atrisco Land Grant. I think that is very important. I grew up with that land grant. My father was the attorney who originally incorporated it, and I spent my days in junior high and high school serving summonses to all the heirs to that land grant. If we are talking about a cultural importance and continuity, the land grant preexists the U.S. Government. So I would encourage you to actively look at the proposal that the heirs have for you in terms of conservation easements. I think it is a good compromise on the problem. It does not strip them of their complete rights, but it guarantees the need and preservation of the petroglyphs. I think it is a good compromise. I urge your consideration actively of their proposal.

Thank you very much.

[The prepared statement of Mr. Chavez follows:]

PETROGLYPH NATIONAL MONUMENT

TESTIMONY OF STATE SENATOR MARTIN J. CHAVEZ

I AM DELIGHTED TO HAVE THIS OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO GIVE YOU MY PERSPECTIVE AS A STATE SENATOR AND RESIDENT OF THE WEST SIDE OF ALBUQUERQUE.

IN THE PAST, PRESERVATION OF THE PETROGLYPHS WAS OF LIMITED CONCERN. OTHER THAN ISOLATED INSTANCES OF VANDALISM, THERE WAS NO REAL THREAT TO THEIR EXISTENCE. ALBUQUERQUE WAS GROWING PRIMARILY TO THE EAST AND NORTH. BORDERED ON THE EAST BY THE SANDIA MOUNTAINS, ON THE NORTH BY THE SANDIA INDIAN RESERVATION AND ON THE SOUTH BY KIRTLAND AIR FORCE BASE, ALBUQUERQUE REALLY HAS ONLY ONE DIRECTION TO GO AND THAT IS TO THE WEST. WE ARE NOW WITHOUT A DOUBT THE TRUE GROWTH AREA FOR THE ENTIRE CITY. FULLY 75% OF ALL NEW HOME CONSTRUCTION PERMITS FOR THE CITY ARE NOW BEING ISSUED FOR CONSTRUCTION ON THE WEST SIDE. THAT GROWTH WILL NOT ABATE AND THE REALITY IS THAT THE PETROGLYPHS ARE NOW IN IMMINENT DANGER OF DESTRUCTION BY DEVELOPMENT, VANDALISM AND IMPROPER USAGE. THE DAY CAN NOW BE SEEN WHEN THE PETROGLYPHS WHICH FOR SO LONG WERE ON THE OUTSKIRTS OF TOWN WILL BE THE GEOGRAPHICAL CENTER OF ALBUQUERQUE.

WEST SIDE RESIDENTS ARE UNDERSTANDABLY PROUD TO HAVE SUCH A SIGNIFICANT HISTORICAL PROPERTY IN OUR BACK YARD. WE RECOGNIZE, HOWEVER, THAT THE PETROGLYPHS ARE NOT JUST OUR SPECIAL PROPERTY, BUT INDEED ARE A SITE OF NATIONAL IMPORTANCE. WE FEEL STRONGLY THAT THEY MUST BE PRESERVED, NOT JUST FOR OUR OWN CHILDREN BUT FOR THE CHILDREN AND GRANDCHILDREN OF ALL AMERICANS AS WELL.

PRESERVATION OF THE PETROGLYPHS IS SIMPLY TOO BIG A PROJECT FOR NEW MEXICO BY ITSELF. THE CITY OF ALBUQUERQUE HAS DONE ITS PART BY SETTING ASIDE SOME 14 MILLION DOLLARS FOR ACQUISITION AND PRESERVATION. THROUGH MY OWN STATE SENATE BILL 37 AND BILLS INTRODUCED IN THE STATE HOUSE OF REPRESENTATIVES BY REPRESENTATIVES PAULINE EISENSTADT AND KIKI SAAVEDRA, THE STATE HAS FULFILLED ITS OBLIGATION BY COMMITTING 6 MILLION DOLLARS. THE TOTAL OF MUNICIPAL AND STATE CONTRIBUTIONS, HOWEVER, IS NOT ENOUGH TO GET THE JOB DONE. WE NEED THE RESOURCES AND COMMITMENT OF THE FEDERAL GOVERNMENT IF WE ARE GOING TO PRESERVE, ONCE AND FOR ALL, THIS ARCHEOLOGICAL AND HISTORICAL WONDER ON THE WEST SIDE OF ALBUQUERQUE.

A FULL UNDERSTANDING OF THE PAST IS ESSENTIAL TO MAKING DECISIONS FOR OUR FUTURE. THESE PETROGLYPHS ARE ONE MAJOR LINK TO THE PAST FOR ALL AMERICANS. I WANT TO THANK YOU FOR YOUR HELPING US TO PRESERVE THIS GREAT HERITAGE. I WANT TO FURTHER PLEDGE MY ASSISTANCE IN YOUR ENDEAVORS.

Senator BINGAMAN. Next is Representative Pauline Eisenstadt, who also represents an area that includes a lot of the west side of the river and mesa over there.

Pauline, we are very pleased to have you here.

STATEMENT OF HON. PAULINE B. EISENSTADT, NEW MEXICO REPRESENTATIVE

Ms. EISENSTADT. Thank you very much, Senator Bingaman, Senator Domenici, Congressman Richardson and Congressman Schiff.

Indeed it is a pleasure to be here. I have been involved in all the legislation that has been introduced at the State House, both memorials, the original $300,000 that we put forward in 1988 and the most recent 5,700,000.

It is an honor to testify before you today on an issue that is of great importance to Albuquerque, to the State of New Mexico and our Nation.

We have an opportunity to preserve the petroglyphs in a national monument that will benefit future generations of mankind indefinitely.

We have this unique opportunity and obligation to preserve over 15,000 examples of Indian rock art that adorn the 17-mile volcanic escarpment on Albuquerque's west side.

There is a plan to save the petroglyphs, and it is a cooperative effort involving the City of Albuquerque, the State of New Mexico and the Federal Government.

I wish to commend the City of Albuquerque, which has allocated $14 million for the project, and the New Mexico State Legislature which had authorized $6 million, and now we come before you and we ask for your support in the passage of Senate Bill 283 that you introduced and the companion bill in the House, which will designate the proposed petroglyph site as a national monument. Our legislation is contingent on the passage of your legislation.

House Bill 77 in New Mexico House of Representatives, which I cosponsored, had the bipartisan support of the entire Bernalillo County delegation as well as many folks around the state. The idea of preserving the petroglyphs also had uniform support of the entire Congressional delegation as we can see here, and I interviewed all of you on the radio, and all have given me your support on the radio.

I would like to include in my testimony, and I have for your records, support material from the All Indian Pueblo, the Sierra Club, Friends of the Petroglyphs, the Open Space Task Force, the League of Women Voters and the Quality of Life Coalition. These are but a few of the major groups that have worked so hard to create the National Monument.

It has been estimated that the Petroglyph National Monument may attract 400,000 visitors annually and bring in $35 million. I think that is low. I think it will bring in a lot more. I asked someone on Senator Domenici's staff, Shawn Purcell, to get me some number about how many visit Bryce and Zion. He got back with me and said that 800,000 annually go to Bryce and 1,900,000, almost 2 million, go to Zion. I think we will compete with those, and I think we are going to have a lot of impact economically.

We are united in requesting your help to make the dreams become a reality for the future generations to learn from the past. To learn from our Native American ancestors.

In conclusion I would like to say the petroglyphs to me are letters that transcend time. They are messages of life, hunger, war, birth, sickness and joy, and they are rock secrets that we can share with the past and the future.

Thank you very much for this opportunity. We appreciate all that you are doing.

[The prepared statement of Ms. Eisenstadt follows:]

State of New Mexico
House of Representatives
Office of Majority Caucus Chairwoman
Santa Fe

PAULINE B. EISENSTADT
Majority Caucus Chairwoman
D-Sandoval · Dist. 44

P.O. Box 658
Corrales, NM 87048

Home Telephone: 505-897-0096

COMMITTEES:

Education
Judiciary
Rules & Order of Business (Chairwoman)

INTERIM COMMITTEES:

Legislative Council
Advisory
Human Needs & Services
and AIDS Impact Study
Justice & Criminal Procedures

April 28, 1989
Albuquerque, New Mexico

TESTIMONY OF REPRESENTATIVE PAULINE EISENSTADT

BEFORE THE UNITED STATES SENATE SUBCOMMITTEE

ON

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

MR. CHAIRMAN, SENATOR DOMENICI, SENATOR BINGAMAN, AND MEMBERS,

It is an honor to be invited to testify before you today on an issue that is of great importance to Albuquerque, the State of New Mexico and our Nation.

We have an opportunity to preserve the Petroglyphs in a National Monument that will benefit future generations of mankind indefinitely.

We have the unique opportunity and obligation to preserve over 15,000 examples of Indian Rock Art that adorn the seventeen mile-long volcanic escarpment on Albuquerque's west side.

There is a plan to save the Petroglyphs, and it is a cooperative effort involving the City of Albuquerque, the State of New Mexico and the Federal Government.

I wish to commend the City of Albuquerque, which has allocated $14 million dollars for the project, and the New Mexico State Legislature has authorized $6 million dollars and now we come before you to ask for your support in passage of S.283 and the Companion House Bill which will designate the proposed Petroglyph site as a National Monument.

HB-77 in the New Mexico House of Representatives, which I co-sponsored, had the bipartisan support of the entire Bernalillo County delegation. This idea of preserving the Petroglyphs also has the uniform support of our entire congressional delegation, city officials and wide-spread community support.

I will include in my testimony, for your records, support material from the All Indian Pueblo, Sierra Club, Friends of the Petroglyphs, Open Space Task Force, League of Women Voters and the Quality of Life Coalition. These are a few of the major groups that have worked so hard to create the National Monument.

We are very proud that Albuquerque was selected by Newsweek as one of America's ten "hot cities". One of the reason's given was our ambitious "Open Space" program. I quote, "Albuquerque boasts a North American rarity; a thriving present built atop a visible ancient past. Carved along the base of the volcanoes on the City's western edge are Petroglyphs dating back tens of thousands of years."

It has been estimated that the Petroglyph National Monument may attract 400,000 visitors annually and that will impact our economy by $3-5 million dollars. I think that is low, I think we will soon compete with Bryce and Zion National Parks and they attract 800,000 and 1,900,000 visitors respectively. Out of town visitors will also be attracted to Old Town, the Tram, All Indian Pueblo, Bandolier, Los Alamos, etc. The opportunities for increased tourism and benefits to the entire State are only limited by our imagination and our system of marketing the Petroglyphs Monument to our neighbors and the Nation.

I am most appreciative of all the people who called and wrote to me to express their support for this project. The support is bipartisan and includes city officials, state officials, Native Americans, the business community and the environmental community.

We are unanimous in requesting your help to make this dream become a reality for the future generations to learn from the past, to learn from our Native American ancestors.

The Petroglyphs, to me, are letters that transcend time. They are messages of life, hunger, war, birth, sickness and joy, they are rock secrets that we can share with the past and the future.

Thank you for this opportunity.

TAXATION & REVENUE
THENCE TO
APPROPRIATIONS & FINANCE

HOUSE BILL 77

39TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1989

INTRODUCED BY

Dick Minzner Pauline Eisenstadt
Ramón Huerta Gary King Robert M. Hawk
Cisco McSorley James Roger Madalena Joseph McMullan
Edward C. Sandoval
Don Silva

AN ACT

AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS FOR THE PURPOSE OF ACQUIRING LAND REPRESENTING THE STATE'S COMMITMENT TO THE PROPOSED PETROGLYPH NATIONAL MONUMENT; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

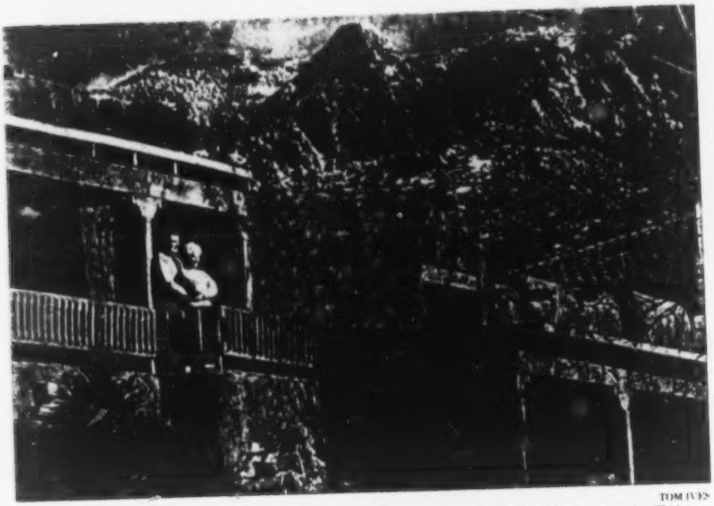
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SEVERANCE TAX BONDS--PURPOSE FOR WHICH ISSUED--APPROPRIATION OF PROCEEDS.--The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not exceeding five million seven hundred thousand dollars ($5,700,000) when the state park and recreation division of the energy, minerals and natural resources department certifies the need for the issuance of the bonds. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been

underscored material = new
[~~bracketed material~~] = deletion

developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps as are necessary to comply with the Internal Revenue Code of 1986, as amended. The proceeds from the sale of the bonds are appropriated to the state park and recreation division of the energy, minerals and natural resources department for the purpose of acquiring land representing the state's commitment to the proposed petroglyph national monument located in Bernalillo county. The certification and issuance of bonds is contingent upon the federal government designating the proposed petroglyph site a national monument, the city of Albuquerque providing funding equal to the state's and the energy, minerals and natural resources department ~~approving a management plan for the proposed national monument in cooperation with the city of Albuquerque and the national park service~~ entering into a joint Powers agreement with the city of albq. in order for the city of albq. to acquire lands necessary for the state's Portion of The proposed Petroglyph National Monument. Any unexpended or unencumbered balance remaining six months after completion of the project shall revert to the severance tax bonding fund. If the state park and recreation division of the energy, minerals and natural resources department has not certified the need for the issuance of the bonds by the end of the eightieth fiscal year, the authorization provided in this section shall be void.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.



TOM IVES

Spending millions in city money to keep the mountains unspoiled: *Bidwell and wife, Eileen*

A Delicate Balance Built on the Land

Albuquerque

Population	**374,106**
Median Family Income	**$26,213**
Median Home	**$83,400**
Unemployment	**5.2%**

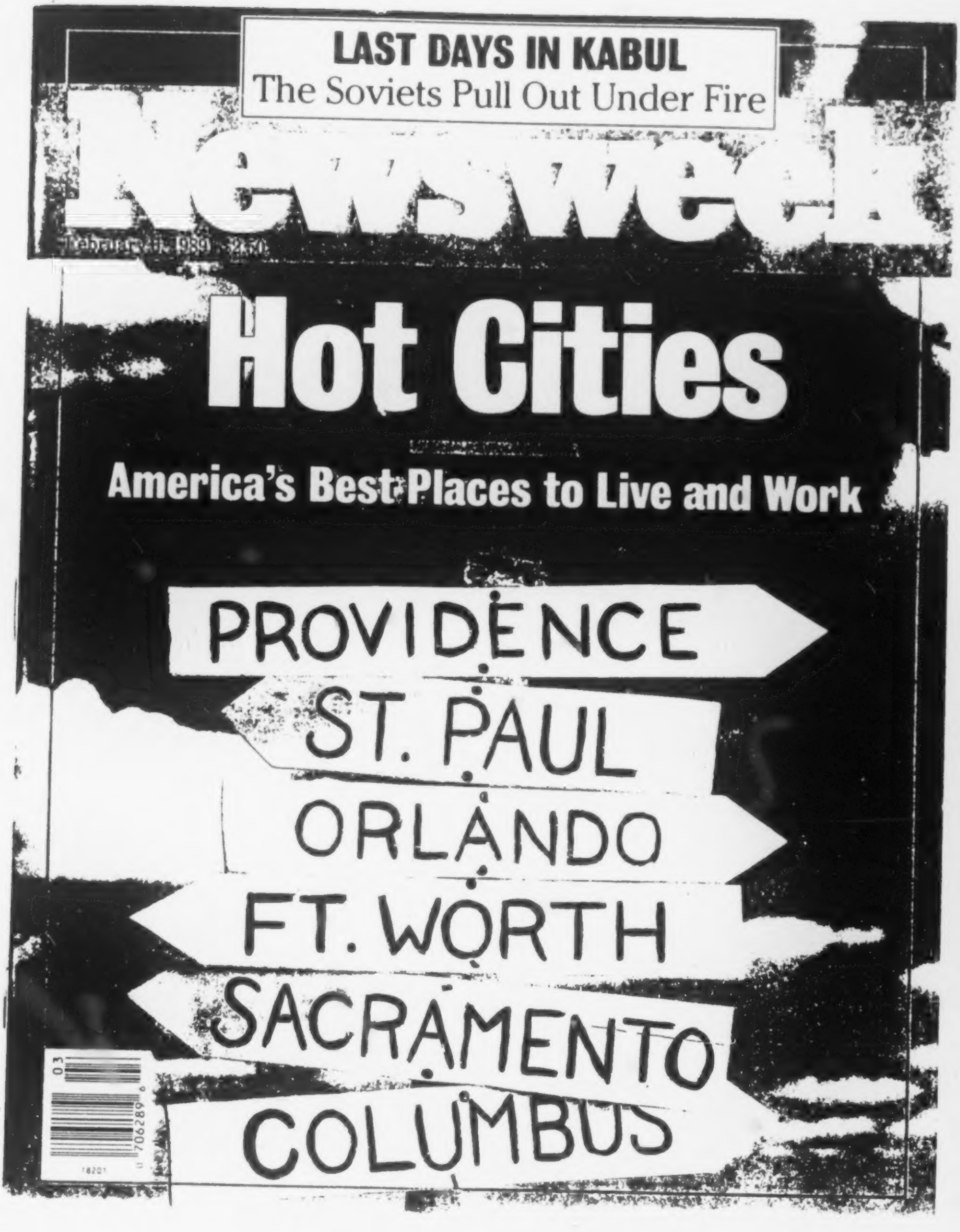
When David Rusk sought refuge from the hurly-burly of the Nixon administration's Labor Department 17 years ago, he came to Albuquerque, N.M., in search of a delicate balance. "It seemed to me to be a place that was small enough to solve the problems it was big enough to have," he says. Six years later, Rusk was elected mayor and given the job of preserving that balance. Confronted with a defense-industry buildup and galloping population growth, an eclectic citizenry of scientists, Native Americans, bureaucrats and artists banded together against thoughtless sprawl. They spent $26 million of city-sales-tax money to preserve 7,200 acres of nearby mountainside. The ambitious "open space" program continues to add acreage as Albuquerque adds jobs. "One thing unites us here," says local author V. B. Price. "Everyone loves the land."

Albuquerque boasts a North American rarity: a thriving present built atop a visible ancient past. Carved along the base of the volcanoes on the city's western edge are petroglyphs dating back tens of thousands of years. The city has grown more than 10 times over since 1940, fueled by a string of happy accidents. The first: as a young man, scientist J. Robert Oppenheimer went camping nearby. He later helped make central New Mexico pivotal to federal nuclear research. More recently it's been a focus of Star Wars spending. A bit of luck more relevant to the future: Albuquerque sits atop a huge underground lake, giving it a leg up on its drier Southwestern competitors.

Throw in a climate that's truly God-given (average highs are 59 degrees in February, 88 degrees in August), and the city seems virtually problem-free. It isn't. Some citizens worry that Albuquerque is overly dependent on federal spending, which underwrites more than 20,000 area jobs and has helped push up the average household income 71 percent since 1980. "We are captives of the federal government," cautions Lee Zink, a University of New Mexico economist. Others warn of the dangers wrought by development, citing the acrid air already obscuring the view of striking Sandia Peak. "Our brown cloud could be hideous," says author Price.

That kind of civic concern has ensured steady but measured growth for half a century, without a concerted prodevelopment push. "All kinds of good things happened to us without any leaders," says title-company owner Roy Bidwell. Right now a multimillion-dollar building surge is expanding the city's airport and convention center and adding two giant hotel-office complexes to the skyline. The city fathers also keep investing in quality of life. Voters recently approved a ¼-cent sales-tax hike; it is slated to be spent on such improvements as an aquatic park and a balloon-science museum—and an additional $26 million worth of more open space. That should help preserve the breathtaking landscape that unfolds as you depart this urban oasis. "One of the great things about Albuquerque," says former mayor Rusk, "is leaving it." Where else in America could that be said as a high compliment?

DANIEL PEDERSEN



LAST DAYS IN KABUL

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FOR MORE INFORMATION:

Herman Agoyo,	881-1992
Chuck Wiggins,	277-5541
Ike Eastvold,	255-7679

INDIAN AND CONSERVATION GROUPS APPLAUD NEW PETROGLYPH BILLS

In a press conference held in Santa Fe today, American Indian and conservation groups joined New Mexico State legislators in applauding the introduction of bills in Washington DC to establish a new Petroglyph National Monument. Identical companion bills were introduced today by the State's Congressional delegation to preserve over 15,000 examples of ancient Indian rock art inscribed along Albuquerque's 17-mile long West Mesa volcanic escarpment. State legislators are sponsoring their own bills to contribute $6 million toward the Monument acquisition effort.

"It's great to see our federal and state leaders working together to create a new National Park unit," said Chuck Wiggins, President of the Rio Grande Chapter of the Sierra Club. "Many other states are competing for the same scarce federal dollars. Our cooperative effort between City, State, and Federal governments gives New Mexico the competitive edge."

Ike Eastvold, President of the Friends of the Albuquerque Petroglyphs, praised the improvements in the new legislation. "The new bills greatly strengthen the Petroglyph National Monument concept over last year's legislation," he observed. "First of all, we have consensus for a Monument boundary which was lacking last year, and this will enable the bills to move swiftly toward authorization. Secondly, the addition of the southern geological window and the 1100-room Pueblo ruin called the Zuris-Mann site significantly enhance the rich spectrum of visitor destinations available within the Monument. Thirdly, the bills now call for a Park Service study of other related rock art sites in northwestern New Mexico, and a report back to Congress on how these might also be protected, thereby greatly enlarging the potential for protection of the State's prehistoric art."

Herman Agoyo, Chairman of the All-Indian Pueblo Council representing New Mexico's nineteen Pueblos, was also pleased with the new bills. "To us these petroglyphs embody our past traditions and religion, and we still use certain areas of the escarpment for sacred ceremonies that have been going on for centuries before the time of the Spanish Conquistadores and the White Man," Chairman Agoyo said. "I am pleased to see the new bills specifically recognize and protect our religious uses of the area, and provide us the opportunity to work with the Park Service on public education at the Monument. Also, because the petroglyphs are severely threatened by vandalism, we are pleased the new bills empower the Park Service to make arrangements with landowners for immediate portection."

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the QUALITY of LIFE COALITION

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PETROGLYPH NATIONAL MONUMENT

An Executive Summary Prepared for
The Honorable Pauline B Eisenstadt

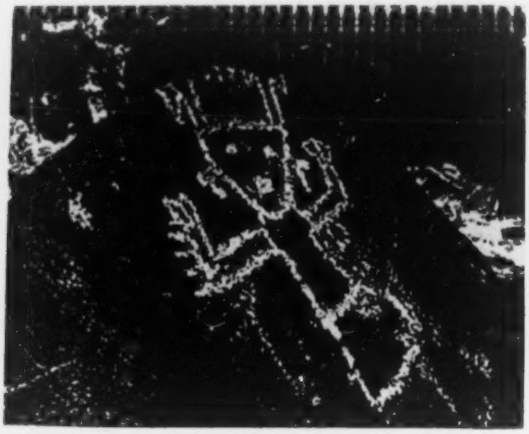
The 39th New Mexico Legislature is being asked to appropriate $5.7 million to acquire lands within the proposed Petroglyph National Monument. This one time expenditure of State funds is urgently needed for the following reasons:

> Legislation to establish the national monument has been introduced in the US Congress. If it is approved, the federal government will spend at least $40 million to acquire land. Albuquerque has appropriated almost $14 million. The State must now assure Congress that it supports the monument proposal.
>
> The area is rapidly being developed. The petroglyphs are in jeopardy, and immediate action is required to preserve them as part of our cultural heritage.
>
> Development is increasing property values. The public will have to pay significantly more to acquire the same lands in the future. Owners must also be assured that their lands will be purchased in a timely manner and at a fair market price.
>
> The monument will have a positive effect on local economies. The National Park Service estimates that visitors will spend between $1,690,000 and $3,300,00 in the Albuquerque area each year. As an important link in the Masau Trail, the monument will help attract tourists to archaeological sites near Silver City, Pecos, Grants, Gallup, Aztec, Los Alamos, and Santa Fe.

Thank you for your help in preserving one of New Mexico's most significant resources.

Pauline, - Hope we can track right along to passage - your support is so appreciated! - Mary Lou

Aquatic Park • Balloon Explora Museum • Botanical Garden
Open Space • Performing Arts



Petroglyph – an image carved or pecked into rock

FACT SHEET ON PROPOSED

PETROGLYPH NATIONAL MONUMENT

THE PROPOSAL: To establish a PETROGLYPH NATIONAL MONUMENT to preserve 15,000 to 17,000 petroglyphs, the largest concentration of rock art near a major city in the world.

WHERE? The petroglyphs are located on a 17-mile long volcanic escarpment in Albuquerque, located between the volcanos and the Rio Grande, running roughly from I-40 to Paradise Hills.

ACQUISITION & MANAGEMENT: The City of Albuquerque, State of New Mexico and Federal government would participate in acquisition of approximately 6,335 acres to include the escarpment and parts of the adjacent mesa and volcanos, which would then be jointly managed by the City and National Park Service.

WHAT WILL IT COST? Estimates range up to $90 million. The City of Albuquerque is raising $13.8 million from a gross receipts tax and has begun to acquire land. The Federal government will be asked for from $40 to $50 million. THE STATE IS BEING ASKED TO CONTRIBUTE $6 MILLION FOR LAND ACQUISITION ONLY.

WHAT DO WE KNOW ABOUT THESE PETROGLYPHS? A few of the 15,000 to 17,000 images that remain are more than a thousand years old. Most were made between AD1300 and AD1650 by the Anasazi, ancestors of the Pueblo Indians. Some were made by Spanish settlers and sheepherders. These petroglyphs are unique in that they can be related in part to the ceremonial life of the Pueblos, although rock art can never be interpreted for a certainty since it is the only remaining written record of a people now gone.

WHO WILL BENEFIT?

1) The citizens of New Mexico will receive revenue from the 400,000+ visitors expected annually, with numbers expected to increase. There will be:

--Increased revenue to businesses throughout the State when the Petroglyph National Monument is added to the MASAU TRAIL, linking ancient sites from Silver City to Pecos, Grants, Gallup, Aztec, Los Alamos and Santa Fe.

--Increased gross receipts tax to cities and state.

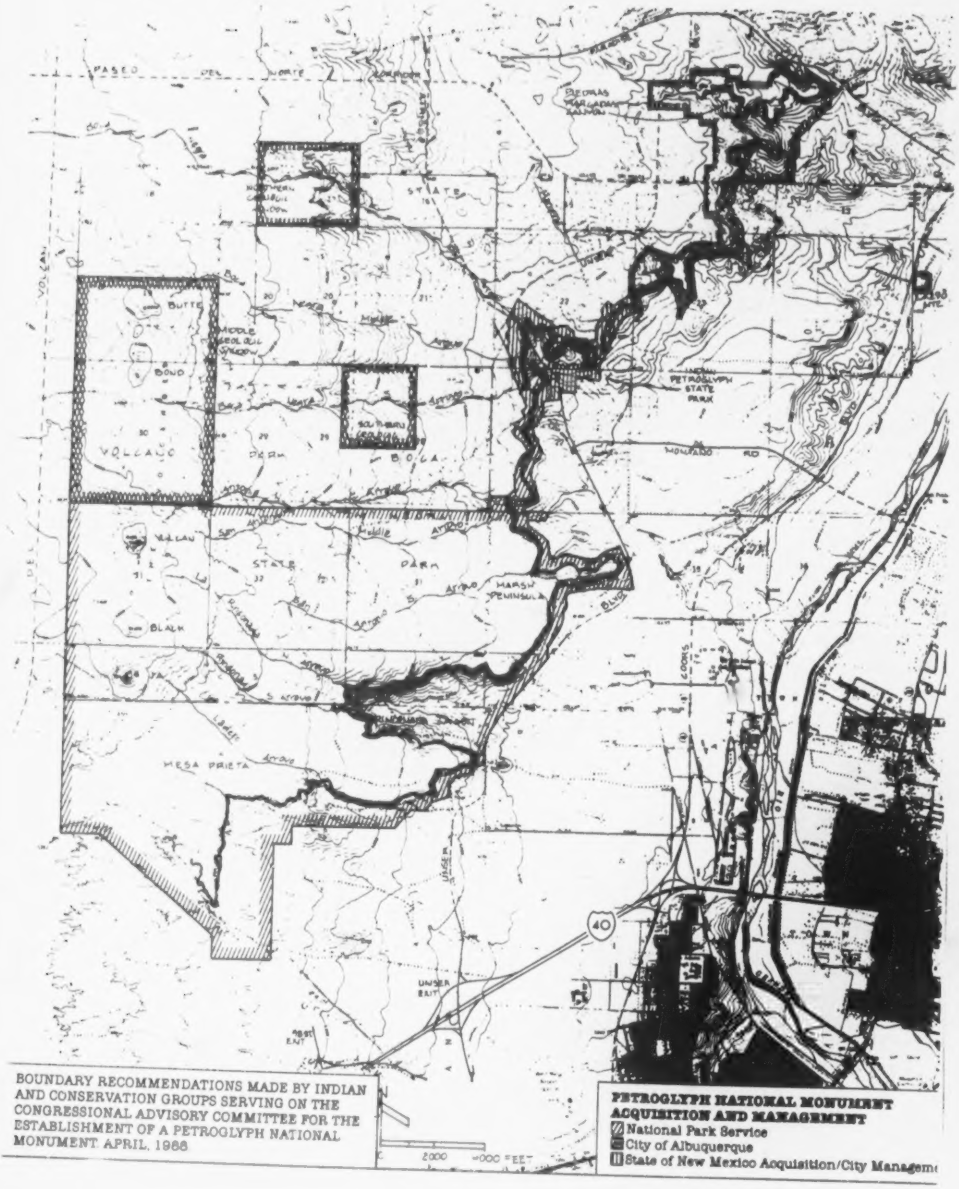
--Pump-priming effect for New Mexico landowners and developers who will sell their land for the Monument.

2) School children will learn from the unique resources of the escarpment area: archeological, anthropological, botanic, and animal life.

3) People from all over the United States and the world will come to New Mexico to see this unique prehistoric cultural treasure.

Who benefits? EVERYONE.

Prepared by the Land Use Committee of the League of Women Voters of Albuquerque/Bernalillo County. 1/89


PASEO DEL NORTE
PIEDRAS MARCADAS CANYON
NORTHERN GEOLOGIC WINDOW
STATE
BUTTE
MIDDLE GEOLOGIC WINDOW
BOND
VOLCANO
SOUTHERN GEOLOGIC WINDOW
BOCA NEGRA
PETROGLYPH STATE PARK
MONTAÑO RD
VULCAN
STATE PARK
MARSH PENINSULA
BLACK
MESA PRIETA
UNSER
40
UNSER EXIT
2000 4000 FEET
PETROGLYPH NATIONAL MONUMENT ACQUISITION AND MANAGEMENT
▨ National Park Service
▩ City of Albuquerque
▥ State of New Mexico Acquisition/City Managem

BOUNDARY RECOMMENDATIONS MADE BY INDIAN AND CONSERVATION GROUPS SERVING ON THE CONGRESSIONAL ADVISORY COMMITTEE FOR THE ESTABLISHMENT OF A PETROGLYPH NATIONAL MONUMENT. APRIL, 1986

Senator **Bingaman**. Thank you very much for your statement.

Next Representative Kiki Saavedra, who is the vice-chairman of the appropriations and finance committee and has taken a lead role in securing the state support for this. We are very pleased to have you here, Representative Saavedra.

STATEMENT OF HON. HENRY "KIKI" SAAVEDRA, NEW MEXICO REPRESENTATIVE

Mr. **Saavedra**. Mr. Chairman, Senator Domenici, Representative Richardson and Representative Schiff, let me just say by passing this legislation I think that we have given a lot of people credit. I think we also have to give credit to Governor Carruthers. He met with me and he assured us that he would sign the bill if it would come to his desk. I think we owe it and should thank the governor.

I have been in the legislature for 13 years. And I never had a conflict of interest, but now I think I have two different conflicts of interests with this legislation. One, I am an heir of the Atrisco Land Grant, and, two, I work for the parks and recreation department. I think it is a happy conflict of interests. I do not know if I should thank my good friend Senator Domenici for starting me in politics for all these 13 trying years.

Let me just go back in the past, because Senator Domenici was my boss. He was the mayor of Albuquerque in those days. He was the head of the city commission, and this was not the first time the city and state has helped with the petroglyphs. In 1970, around that area, you were a Senator then, the commissioner head of the commission lobbied hard in Santa Fe to start the ball bouncing up there. I just want to say that we would like to meet with Senator Domenici and you, Senator Bingaman, and talk about the Horseman Complex. That is another one of the good things that our Senator Domenici put up on the West Mesa. We feel we should meet with you all and see if we could acquire some of this, move them somewhat by rounded river. We do have a little problem there, but I hope that will be included in all our plan.

I would like to mostly in the legislature thank my colleague, Representative Minzer. As you, Senator Domenici and Senator Bingaman know, my district is very poor. My legislation is usually geared for people in my area. So when I cosponsored the bill with Representative Eisenstadt, I sort of cut a deal with Representative Minzer if this would be the thrust of his legislation for this year, so I think that a lot of credit should go to my colleague. It was bipartisan and I again think we should include the governor in our statements.

Thank you. I have already submitted my presentation.

[The prepared statement of Mr. Saavedra follows:]

State of New Mexico
House of Representatives
Santa Fe

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COMMITTEES:
Appropriations & Finance (Vice Chairman)
Consumer & Public Affairs

U.S. Senate Energy & Natural Resources Committee
Public Lands Subcommittee
Albuquerque, New Mexico
April 28, 1989

Mr. Chairman, Members of the Committee:

Thank you for inviting me to say a few words on behalf of my colleagues in the New Mexico State Legislature in support of the proposed Petroglyph National Monument. As you probably know, I sponsored the legislation in the State Legislature this year committing 5.7 million dollars in State Severance Tax revenues toward purchase of lands proposed for the National Monument. This legislation passed, and was approved by the Governor.

It is important to note that State funding is contingent upon designation of the petroglyphs as a National Monument. Funding is also contingent upon sufficient Severance Tax bonding capacity. It is estimated that capacity will be sufficient to issue the bonds in two to three years.

This is not the first time that the State Legislature has committed funding for the Petroglyphs. In the early 1970's funding was provided for construction of Petroglyph State Park. This park, which is operated by the City Parks and Recreation Department's Open Space Division, protects and displays hundreds of petroglyphs. Each year several thousand visitors from all over the world visit the park to see and learn more about the petroglyphs.

As an employee of the City Parks and Recreation Department, I am also aware of the City's efforts to protect the petroglyphs and volcanic escarpment. Over 5,000 acres of open space lands have been acquired over the past 30 years in this area. Many of these lands are proposed for inclusion in the Monument. The City is now working actively to secure critical lands along the Escarpment using funding from the 1/4 cent "Quality of Life" Gross Receipts Tax passed by City Countil in 1987.

The State and the City have committed significant resources to preservation of the petroglyphs. We now encourage the Federal Government to join with us in this effort. Creation of the Petroglyph National Monument will be a major step in protecting and displaying this large concentration of rock art.

Senator **Bingaman**. Thank you very much.

Now, we would like to hear form Representative Minzer, who is chairman of the Taxation and Revenue Committee and who did take a lead role in seeing this legislation enacted.

STATEMENT OF HON. DICK MINZER, NEW MEXICO REPRESENTATIVE

Mr. **Minzer**. Thank you very much, Senator Bingaman, Senator Domenici, Congress Schiff, Congressman Richardson. I appreciate the opportunity to be here today. I certainly appreciate Kiki's kind words about this bill.

I am just going to make three points. One of which I know quite a bit about, and that is what we did in the legislature; one of which I do not know much at all about, and that has to do with the economics of the project; and thirdly, I think something we can all think about together, and that is the cultural aspects of this project.

I think the legislative commitment that was made did indicate an enthusiasm on the part of the legislature that was ultimately developed—it was not easy—for the support of the project. It is not a project that immediately recommends itself to people who have not thought about it in a long time; who have not exposed themselves to it; who have not understood exactly what it amounts to.

We did in the legislature something that is essentially what we are asking the Congress to do. We committed to this project money that we really do not have. We have committed $6 million of severance tax money which is not going to be there for a couple years. We do not have the advantage that you do of being able to print money, but our money will be there, I am sure, and we certainly recognize the constraints that you are under with the Gramm-Rudman limitations.

$6 million I know does not sound like a lot of money to people who deal with the figures that you do, but a six-million-dollar commitment by the legislature when in the course of a year we commit only about a total of $2 billion is perhaps proportionately hundreds of times larger than the commitment that is being asked of the Federal Government at the 50- or 60-million-dollar level.

Of course, the City of Albuquerque's commitment was even greater. They are committing more than we are on a smaller budget. But there is a substantial commitment on the part of the legislature to this project I think as reflected in that dollar amount. There was support ultimately not only from the people from the city, but people from around the state, Native American delegation to the House was very, very interested in it when we came to vote on it.

Now, with respect to the economic impact on the City of Albuquerque, I am hopeful that the economics are very, very favorable. We are told by people who purport to know that there is going to be a lot of tourism that is brought to us. That this will be a favorable economic development effort.

But what seems to me to be even more important than that is that this, if it is true, is going to be an economic success. It is an economic success that capitalizes on the uniqueness of New Mexico.

It is not a New Mexican effort to become a bargain basement model of something that is going on in some other state. What is unique about New Mexico is its cultural history, its multicultural history. And if in fact we are able to capitalize on that, it seems to be that a very, very appropriate way for us to seek to improve the economic situation of our people.

Thirdly, I think in the cultural area it is important for us to consider ourselves as sort of trustees of the land that has come to us from our ancestors or the ancestors of others that we are going to be passing on to future generations.

We have some sort of responsibility certainly to the people that went before us and to the people who are coming after us not to destroy everything in the time that we are here. And it seems to me that this is a particularly appropriate area for us to seek to exercise that trusteeship. These art pieces, and I think it is probably not an exaggeration to describe them as art pieces, would if they were early Christian art certainly be preserved. There would be no question that if these were the artwork or the religious work of people who were the cultural ancestors of most of us would be preserved I think without effort—maybe not without effort—but without hesitation regardless of the cost. They happen to be the early art pieces, the early works, of a culture that is a minority culture in our country, but it does not seem to me that gives us the right to treat them differently than we would have treated our own cultural heritage.

I think that with respect to the question can we just save a few of them, or can we just move them around, or can we ignore them and not all of them will be destroyed? We would not have said that about the Egyptian hieroglyphics if we could save two of them or move them to New York. I think that the need to preserve these in their location should be obvious to all of us. We in Albuquerque, we in the State of New Mexico cannot do this alone. We need your help. I hope you will help us.

Thank you very much.

Senator BINGAMAN. Thank you very much for that statement, and your leadership on this.

Tom Merlan, who is the the director of the State Historic Preservation Office is also here and has some comments he would like to make about the appropriateness of this legislation.

Tom, we are pleased to have you here.

STATEMENT OF THOMAS W. MERLAN, NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

Mr. MERLAN. Thank you Mr. Chairman. I appreciate it. I have a short written statement, and I will make even a shorter verbal one.

Back in 1985-1986 our office in cooperation with the City of Albuquerque did the survey, the detail on-the-ground survey, which was the basis for the Park Service proposal. It was also our responsibility to send the results up to the National Register of Historic Places which formally confirmed the national significance of the petroglyphs. So we were doing what we always do, working in cooperation with local government and then making the results available at the Federal level.

I would like to agree with what Senator Domenici said earlier about the timing of this thing. If the designation of the monument is not made within the life of this Congress, and if the appropriations process does not begin within the life of this Congress and probably within the life of the moratorium that the mayor referred to earlier, I do not think there will be any issue left. We have been watching for some time now the struggle between conservation and development interests in connection with this.

I want to second Mr. Findling in saying that we are here specifically in support of Alternative 2, the city, state and Federal management alternative.

There is one other thing that might be relevant to mention, and that is that while the petroglyphs are unique, the situation that we find ourselves in is increasingly common. Senator Domenici mentioned that the petroglyphs appeared on a National Treasures short list of imminently endangered national landmarks and sites of national landmark quality.

Do you remember how that list was drawn up? It was drawn up during the Menassus hearings. We have here a situation analogous to that one and in that case a site of national significance was imminently threatened by development. Again here a site of national significance is imminently threatened by development. The American Heritage Trust Act, Senate Bill 370, of which you, Mr. Chairman, are cosponsor, is a categorical response to just this type of problem. I would like to take this occasion to draw your attention to it.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Merlan follows:]

TESTIMONY TO THE PUBLIC LANDS SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON THE PROPOSED PETROGLYPH NATIONAL MONUMENT

APRIL 28, 1989
BY
THOMAS W. MERLAN
NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

Mr. Chairman and Members of the Committee:

I am here today representing the Office of Cultural Affairs of the State of New Mexico. I am pleased to have an opportunity to testify in favor of the proposed Petroglyph National Monument. As you know, Mr. Robert M. Findling of the New Mexico Energy, Minerals and Natural Resources Department is also here to present complementary testimony on behalf of the State, so I will not repeat details which he will give you.

The Historic Preservation Division, in cooperation with the City of Albuquerque, contracted for the detailed documentation and recording of the petroglyphs in 1985-86. The resulting survey report, which we made available to the National Park Service, was the basis of the proposal to create a national monument. The Historic Preservation Division also nominated the petroglyphs to the National Register of Historic Places as an archeological district. The district was entered in the National Register of Historic Places on November 17, 1986.

The approximately 15,000 historic and prehistoric images carved in the volcanic rock and the approximately 60 archeological sites with which the petroglyphs are associated are a unique resource. Furthermore, the escarpment is many things to many people. For the Pueblos of the middle Rio Grande the prehistoric images represent a part of their heritage. To the citizens of Albuquerque and the State, and ultimately the nation, the escarpment may have immense recreational and educational value.

Evidently it is not necessary to convince you that the escarpment merits preservation. The question is one of timing. Albuquerque is now beginning to expand rapidly on the west side of the Rio Grande, with the escarpment area becoming the center of development. The Albuquerque City Council and city administration have created a moratorium to limit impacts on the escarpment over the next year. Unless the 101st Congress designates the monument and appropriates funds during the life of the moratorium, the planning, approval and construction of subdivisions and business parks will make the monument impossible.

Our present fairly detailed knowledge of the petroglyphs and the general public consciousness of them have come about because of the growth of the city and the impending development of the escarpment. So it would be futile to regret that we no longer have unlimited time in which to provide for the preservation of this unique resource. All we have to do, and all we can do, is to take the limited opportunity that presents itself right now.

I strongly urge you to support the designation of the monument and the appropriation of funds to implement Alternative 2, as outlined in the NPS Albuquerque West Mesa Petroglyph Study (June, 1987).

It may be relevant to draw your attention to S. 370 (H.R. 876) of which Senator Bingaman is a cosponsor. This legislation was introduced in the 101st Congress on February 6, 1989 by Senator Chafee. The proposed trust fund would be an appropriate source of funds for acquisition and development of lands essential to the monument. The legislation represents a categorical approach to precisely the kind of problem we are now facing with regard to the creation of the Petroglyph National Monument.

Thank you for this opportunity to testify on behalf of the Office of Cultural Affairs of the State of New Mexico.

Senator **BINGAMAN**. Thank you very much.

I will just have one question really, and this is of the state legislators. The statement was made that there is a condition on the state legislation; that the Federal legislation is required to be passed before—is that before the $300,000 of state funding for land acquisition can be spent or before the bonds can be let or the additional money, if any of you can clarify exactly what the condition is?

Pauline.

Ms. **EISENSTADT**. I gave copies of the legislation, the most recent legislation, to the gentleman on the staff. Do you have that, the House Bill 77?

The legislation that we passed—and I think Dick can help me if that changed in the overall appropriation bill—but the legislation we passed in its original form, which I did enclose a copy for you, is contingent on your passing this authorization language. It is not contingent on your passing the money. I looked all through there for your appropriation, and then I called Senator Domenici's staff and said, "Okay, boys, where is the money?" We do it in the same package. Apparently you do authorization language first, then you do money later.

So I was very concerned about that, Senator Bingaman. I know there is a timing problem in there. It is on the second page, on the back page there. So that we have until the 80th fiscal year, which I think gives us two years.

Are we in the 78th fiscal year?

Mr. **MINZER**. We are now in the 77th.

Ms. **EISENSTADT**. 77th fiscal year.

Mr. **MINZER**. 77th fiscal year ends in 1989.

Ms. **EISENSTADT**. July of this year, I assume. So we are pretty close to the 78th. We have two years. My assumption and my discussion with Senator Domenici's staff person, Sean, was that you could probably have the authorization language in place and you might even have some of the money in place by the time that time would kick in in terms of our time problem.

I was concerned about that, and I hope we can all take note. Particularly since we heard earlier from Mr. Cook about also the time problem with our acquisition of the petroglyphs themselves.

Senator **BINGAMAN**. Thank you very much.

Senator Domenici.

Senator **DOMENICI**. Mr. Chairman, I think in the interest of time that I am just going to ask a couple of questions.

But let me first say to Marty, you were talking about us growing up and what we might have done or not done to permanently or temporarily harm the escarpment. While some of us plead guilty to putting white paint on one of those volcanoes with a big "J," when it was St. Joseph's College, and I want to plead guilty to being president of the student body that decided that is what we would do. I did not go up there and do it, though. I got in the pickup truck and we went down in the valley and borrowed trees. So while some painted, a number of us planted trees because we had a mesa out there. And the ringleader was Smokey Sanchez, if anybody wants to put anyone in jail. He is not around, but he was the one that went up in the mountains and I planted trees. At the end of the day we had the celebration. We decided that was the last time we would do it. The statutes of limitations have run. It is too many years.

Mr. MINZER. Not if you are out of the state they do not run.

Senator DOMENICI. I am here most of the time.

Let me just ask the state people. We have been talking about the conditionality of the state money, but you mentioned something a little bit different; not only its condition but whether or not there was money available.

Mr. FINDLING. As Representative Minzer mentioned, the state has obligated itself to the sale of severance tax bonds, the proceeds from which have not yet been realized. The chief state economist anticipates that, oh, by 1992 the state will be able to issue slightly $5 million in severance tax bonds, additional severance tax bonds. At present there are $20 million in authorized projects for which bonds have not been sold. So there is competition from other projects that have been authorized by the legislature, but at present do not have sold bonds associated with them.

And certainly action on the Federal Government's part becomes increasingly important as the need for the petroglyph project to compete with these other pending legislative actions near. The original 300,000-dollar appropriation must be certified by the end of the next fiscal year. That would be June 30, 1990. That certification simply means that the Secretary of the Energy, Minerals and Natural Resources Department must indicate to the Department of Finance and Administration the project was moved along far enough that he is satisfied that bonds could be scheduled to be sold. That does not necessarily mean the capacity at that point exists.

With respect to the appropriation that Representative Eisenstadt discussed in some greater detail with respect to the 80th fiscal year, the certification deadline on that appropriation would be June 30, 1992. Again, simply an indication that the project has proceeded far enough that he can recommend that bonds be sold irrespective of whether or not bonds as needed at that point exist.

The projections of the state economist are highly volatile. They are contingent on 18-dollar-a-barrel oil and state being able to sell 700 billion cubic feet of natural gas annually. They are accurate plus or minus, I believe, 10 or 15 percent, and a 10 percent increase on the high side would result in an additional $10 to $15 million in bonding capacity becoming available annually.

So that is the best I can relate in terms of current condition. Most importantly the state has been able to obligate itself to fully funding the Alternative 2 recommendation. And I can assure you as soon as the bonding capacity is available, assuming the contingency language with respect to Federal action has occurred, the funds will be in place.

Senator DOMENICI. What laws in New Mexico govern the conservation easements?

Mr. FINDLING. They are—there is no specific statutory language with respect to conservation easements. Our department counselor that reviewed at Congressman Richardson's request this matter, had to rely upon case law, and his evaluation was, as I indicated during my testimony, that there was nothing to prohibit that type of conveyance, even in the absence of special purpose legislation. I think a greater concern of any Department of Interior solicitor opinion would be with respect to whether or not that type of conveyance satisfies the NPS requirements for perpetual preservation. I would have to rely upon their evaluation of that.

Senator DOMENICI. Do I understand correctly that with reference to the conservation easement, which will be discussed by the Atrisco heirs representatives, that none of you in your capacity as representatives or executive branch people oppose that per se, but rather are saying to us that you want us to make sure that if that is going to be used, that the preservation of the National Monument can be determined to be intact in perpetuity as contemplated by law? Or are some of you just opposed to the conservation easement on some other grounds?

Mr. MINZER. I do not think I have a position, and I do not think anybody in the legislature discussed the question of conservation easement. The intent——

Ms. EISENSTADT. I think we did.

Mr. MINZER. Certainly the language of the legislation is such that it kicks in upon the designation of the area being the Petroglyph National Monument. There have been bills in the legislature during the time that I have been there that would authorize and recognize statutorily conservation easements.

Those bills have not passed. That was apart from the Petroglyph Park issue at all; just freestanding bills. They have not passed. What the state of the law is in the absence of legislation you can figure out as well, Senator, as I.

Ms. EISENSTADT. Senator Domenici, we did have, I think, a bill that came through House Judiciary, which covers this, which was a conservation easement attempt. That did not pass. I think it, perhaps, did not pass because there was concern on the part of the ranchers, farmers and ranchers, about giving easement for conservation in perpetuity. It was the "in perpetuity" that they had problems with.

I think what is being talked about I would hope is workable. I think there is always a way to work out solutions to a problem, but I would caution you that has been tried in terms of statute in the House Judiciary Committee this past year and it did not get anywhere. I guess from what Dick said it had been tried previously.

Senator BINGAMAN. Congressman Richardson.

Mr. RICHARDSON. Representative Saavedra, I think that you do bring a unique perspective. The fact is I would not call those conflicts of interest. I would call them contributions to the bill and to passage of the bill.

Mr. SAAVEDRA. I said that because the paper sometimes reported that a city official had a conflict of interest. I just wanted it for the record that in 13 years that I have served I have only had two conflicts of interest; one, I am an heir of the Atrisco Land Grant, and secondly, I am assistant director of parks and recreation which will probably have a lot to do with that.

Mr. RICHARDSON. My question is based on the recollection I have from where we were in the last hearing of the Interior Committee almost a year ago, and it seems that a lot of people have come a long way and compromises have happened. The Park Service, Westland, the state—I think the state has done a good job—the city has come forth, of course the conservationists involved, put together an excellent operation. I think you in the state legislature have very creatively bailed everybody out, and I commend you.

But my question is, on this concensus issue, Representative Saavedra, would you feel, would you personally support the conservation easement as the option, as the best option?

Mr. SAAVEDRA. I would hate to answer that question, Mr. Chairman—Congressman Richardson, being that I am an heir. We have a representative that we elected, and he is in the audience somewhere here. I would rather just let him explain. I have my own personal thoughts, but I hate to even comment on it.

Mr. RICHARDSON. I am saying this: I am just thinking out loud right here, because it seems the Atrisco people have come a long way, too. If this is a way to bring this consensus together, possibly there are problems on the other side. I should have asked John Cook this question, because I think we are interested in the management. But Marty Chavez took the position, and it seems that we ought to consider that.

My second question deals with the reality of the financing of this bill, and quite frankly the main message that I am getting at this hearing is that I am a bit scared by the timing problem we have now encountered. I did not realize from John Cook that we were one or two years away from serious degradation and damage to these rocks. While the financing, there is money there, it is a little bit precarious based on all the contingencies and difficulties of appropriations, both of the state and Federal Government.

I wonder, perhaps, Mr. Findling and Dick Minzer—I know you have a background in finance—have we explored all the financing options, the best possible way? Is there something else we might start thinking about, bonds, staged strategies involving different financing mechanisms? Is the city doing something different? Take the global view here.

Senator BINGAMAN. Is there any way to get this declared a savings and loan institution? [Laughter.]

Mr. SCHIFF. Mr. Chairman, I think you have to be in Texas for that to work. [Laughter.]

Mr. MINZER. Well, in that sense we are a third-world country and get the New York banks to take an interest in us. There are theoretically other financing mechanisms, none of which are as good. I am relatively optimistic about our money being available when necessary, assuming that you can do the same.

It is theoretically possible that we could go the general obligation bond route. That assumes that the GO bond capacity is there, and there will be some GO bond capacity, but in order to authorize a general obligation bond we need to put it on the ballot in the next general election, 1990; then assuming it passes, it is not available until sometime thereafter. That would be theoretically possible. I think less certain perhaps than where we are.

The possibility if we come to the crunch of changing the severance tax bond issue that we now have into a general fund appropriation is there. It is theoretically there if we need to act very, very fast. Our understanding was that when this bill was before the legislature was that the commitment from the state and not the immediate cash is what Congress was interested in seeing. I think the state's commitment is certainly there. There will be a year at sometime in the future, it may be this coming year, it may be the following year, when we will have an additional $6 million in general fund money that could be devoted to this purpose. But if the severance tax route is satisfactory and does the job, I think the severance tax route seems to be the most attractive.

Mr. SAAVEDRA. Let me just add that I personally feel, and Dick will not be around, that to pass general fund money for this it is going to be hard. The strategy that went for us to pass this, I came in with a general fund appropriation, and Pauline had a severance tax. When we met with the governor and we met the strategies, the only way that the governor would sign this is if it was severance tax money. The reason for the three years really is because we do not have the severance tax money, and we felt it would trigger in at three years; thus giving you people enough time to come up with your end of it.

I honestly feel as a legislator that if you try to change that bill, try to change the language of coming from general fund money it is not going to roll. We only have a billion, 600 million or 700 million, that is all the money that the state has. I for one, myself, would be afraid to vote for a bill of getting general fund money. I do not think we could get the support of 69 of the members or 70 members as a whole. I think three years is enough for a full-time House and Senate to come up with the money.

Senator BINGAMAN. Mr. Findling.

Mr. FINDLING. Just my observation would be that the only other acquisition technique that has not been discussed, funding mechanism, would be a land exchange, and that given the composition of ownership within the state acquisition area, we are talking about a 151 separate, fairly small parcels and it becomes infeasible. So I think we are faced with the circumstance that the legislative members and the panel have outlined. I will defer to greater knowledge.

Senator BINGAMAN. Yes, Pauline, did you have a comment that you wanted to make?

Ms. EISENSTADT. Yes, and a question if I am permitted.

Senator BINGAMAN. Sure.

Ms. EISENSTADT. Congressman Richardson and Senator Domenici, if we are looking at a total package, you have mentioned 50 million to 60 million. The state has come up with six, the city has come up with 14. We have come up with 20 million, and the total we are looking at is about 70 million. That seems like it might do the job, although perhaps I have heard 90 million mentioned, too. When do you start going for your appropriation?

Mr. RICHARDSON. If the Chairman will yield.

We first have to get the designation. The authorization process would probably contain an amount, although we are just discussing this here. The appropriation process I do not think we could possibly start this calendar year, but I think the next fiscal year, starting October 1, we can pursue our efforts. I am talking about the House. I will defer to my colleagues in the Senate.

I think the first priority has to be the designation. The designation always contains some peril because you are authorizing funds, and you are basically obligating them to be appropriated. I would think we would want to have some authorization numbers in the authorizing bill; not just designate it and end it that way.

Ms. EISENSTADT. Because I did read the Senate bill, and I did not see any numbers in there. I just saw language.

Senator DOMENICI. We do not have a boundary either. We will do that after the hearing.

Ms. EISENSTADT. Thank you.

Senator DOMENICI. Mr. Chairman, might I just comment on this for just a minute?

First, let me say we have come a long way in protecting this using various and sundry means, not always wholly satisfactory. Some people have been somewhat upset with the city, Pat, when you all had to work hard to pass ordinances prohibiting use and prohibiting certain elevations of construction. But we got to the point where if we can get the bill passed, it seems to me that we do not need a very large amount of money in the very up front months, maybe even in the first year. If we could get some planning money in the first year for you to finish your work, we would have designated this as the National Monument, then we have time to continue in the appropriation process.

I think the question that Congress is going to have to answer is whether we want to do this or not. If we want to do it, there may be two subsets: Do you want this much? Is it possible that we can do something less and still maintain its national significance? That will be argued.

Most of us already think this is what we ought to do. I think we ought to proceed with the full knowledge that for the last three or four years this has been a very precarious protection activity. I think we will have protected it once it is designated, and we are just going to have to do our very best with all the contingencies that are around.

On the other hand, we have on occasion funded contingently an appropriation bill waiting for the authorization legislation. It's not a great idea but we could find that in this year's bill we might be able to put in a little bit of money if this is not all finished, say, and it will be spent when this bill gets passed. I personally think everyone knows that money is not easy to come by. I do not think we need to appropriate all this money in one or two years. I think a lot of transactions can be negotiated that give us time.

Representative Richardson appropriately said we have come a long way. I would thank a lot of people for that. There has been a lot of action on the part of the city that was gutsy. It made a lot of people mad. Without doing it there would have been more buildings around. We have a lot of property owners, in exchange for the boundaries and in exchange for the city agreeing to treat their property off this escarpment differently, who are contributing some land. When you add all that up, I think we are moving in the right direction. I think we understand each other.

I am willing to go ahead and take a chance and work on getting the money, but in answering honestly to the committee, that if it is going to go this way, this big, it is going to cost a pretty big piece of change. If they want to say that will never fly, then we have to really think seriously of whether or not we can get along with something substantially less in terms of land acquisition and still have a national monument. I am not real sure we can at this point, but we may face that bridge at some point down the line.

Mr. SAAVEDRA. Senator, let me just add, we may have three years, but we can always change the language and work along with you all. The only thing I would be against is to get it out of general fund money. But as far as changing the language, if it is going to take five or six years, I think my colleagues would go along with that.

Senator BINGAMAN. Congressman Schiff, did you have some questions of this panel?

Mr. SCHIFF. My observation, having been grilled mercilessly by several people before you when I administered the state agency year after year, is that I have died for the opportunity to respond. But I find that I am completely unable to do so. I am seeing others with legitimate questions on procedures, timings and methods of funding. I am hearing here among all of us who are legislators involving the State of New Mexico, regardless of party, regardless of particular level of government, in complete agreement, and I would like to see a great deal more. Thank you for testifying.

Senator BINGAMAN. Thank you. Let me do this, I would like to dismiss this panel and take a 10-minute break. When we come back, combine panels two and three, so when we come back have Pat Baca, Herman Agoyo, Ike Eastvold, Chuck Wiggins, Mary Lou Sorenson and Bob Turman.

[Whereupon, at 3:20 p.m. a recess was taken.]

Senator BINGAMAN. If we could start with the next panel, I would like to start with Pat Baca of the Albuquerque City Council, who has been a leader on the issue for a great period of time. We are very pleased to have him.

Let me just mention before he begins his statement or his comments that we also would like Ike Eastvold, Chuck Wiggins, Mary Lou Sorenson, Bob Turman. Any of them, if they would please come forward so that we take all the testimony from these two panels, really, that we are combining here. I understand that Senator Domenici is on the phone and will be in here very shortly. Congressman Richardson and Congressman Schiff are here. Here comes Pete and Mary Lou. There is Ike, and if he will come down here, we will have everybody in place and we will be ready to go. I think we are all here.

Councilman Baca.

STATEMENT OF PAT BACA, VICE PRESIDENT, ALBUQUERQUE CITY COUNCIL

Mr. BACA. Thank you very much, Mr. Chairman. I appreciate the Congressional delegation—I am speaking for the city council—for allowing me time to speak on behalf of the city council on the Petroglyph National Monument.

I just want to say that the establishment of this monument is a dream which has been promoted by the Albuquerque City Council for years. In 1969, in the first goals document, and in 1975 in a comprehensive plan, preservation of the escarpment was a top priority. Evidence of the city's commitment to the Petroglyph National Monument can be found in the fact that Albuquerque has acquired 20,000 acres through the city's open space management program, which includes petroglyphs. Moreover, the city has spent to date over $49 million for the purchase of open space land, and we are not stopping there.

We estimate an additional $16,600,000 from a quarter-cent tax will be raised for acquisition of escarpment land. Therefore, as you can see, we have heavily committed ourselves to the preservation and promotion of open space and particularly the escarpment.

We also have obtained assistance, as you just heard, from the State government. A few weeks ago the State legislature approved a measure that will insure future state funding of the petroglyphs of 5.7 million in the severance tax bonds.

It is also important to keep in mind that the petroglyphs are currently in danger of being damaged by those who engage in illegal target shooting and by illegal dumping. We must, therefore, move quickly as others have told you to identify the National Monument boundaries and to acquire and protect monument property.

My purpose here today is to ask that the Federal Government enter a partnership with the City of Albuquerque, and the State of New Mexico. The goal of this partnership is to preserve and promote an ancient and therefore valuable form of art, which is a unique and wonderful reminder of our Native American past. We, therefore, look forward to a joint cooperative effort in managing and maintaining this national treasure. I and many others are convinced that the end result will be a monument which all of us in this country can truly be proud of. On behalf of the city council I thank you for your time.

Senator BINGAMAN. Thank you very much for your statement, and as with the earlier panel, I would prefer to go ahead and hear from all the witnesses, then we may have some questions.

Our next witness is Herman Agoyo, who is the Chairman of the All Indian Pueblo Council, which has a vital interest in this legislation and has had a long-standing commitment in this area.

Herman, we are very pleased to have you here.

STATEMENT OF HERMAN AGOYO, CHAIRMAN, ALL INDIAN PUEBLO COUNCIL

Mr. AGOYO. Senator Pete Domenici, Senator Jeff Bingaman, this afternoon I just want to say that it has been an honor to be a part of an effort that has culminated in three legislative documents to "Establish the Petroglyph National Monument in the State of New Mexico," which are H.R. 4930, introduced in the House of Representatives during the 100th Congress, Second Session, by Congressman Manuel Lujan and Congressman Bill Richardson. S. 2580 introduced in the Senate during the 100th Congress, Second Session, by Senator Domenici, and S. 286, reintroduced in the Senate by New Mexico's two Senators in this 101st Session.

In 1988 when effort was begun to preserve the petroglyphs, Senator Domenici, you appointed a task force to help you to study the problem and to make recommendations for the establishment of a national petroglyph monument on the West Mesa Escarpment. I served on that task force and, thus, have been involved from the beginning in this very, very important legislation, which when passed, will be a memorial to everyone, the past, the present, and the future generation.

The efforts of everyone; the Friends of the Albuquerque Petroglyphs, the City of Albuquerque, the Westland Corporation and other developers, Governor Garrey Carruthers, the New Mexico State Legislature, the National Park Service, the Sierra Club and other conservation groups are to be commended for their total interst and commitment to this project. It is also fitting and proper at this time to recognize the genuine interest and concern about the safety of the petroglyphs by the younger population of the City of Albuquerque. This population, mostly those between the ages of 11 and 12, wrote many letters of support for the National Monument Bill and recently through guided tours and cleanup visits, supervised by Mr. Ike Eastvold, this age group has developed a deeper appreciation of the petroglyphs.

I would like to read a letter written by Jeff Welhelmey, a student at Albuquerque Academy. I think this letter captures the spirit of what we are attempting to accomplish in S. 286. This letter is in reference to H.R. 4930. It reads as follows:

> It is my belief that the New Mexico Petroglyphs should become a state or national monument so that people from around the world can come and see this fascinating place and enjoy it without having people destroy or vandalize the rock art. I also believe that it should be preserved in its natural environment and not have houses or highways 200 feet from the rocks. It should also be preserved for the people whose natives created this beautiful art, the Pueblo Indians. The Pueblos still hold religious ceremonies in the Petroglyphs. These are but a few of the many reasons why I think the Petroglyphs should become a national monument. I hope this letter along with many others will help persuade the Congress to pass a bill declaring this site a national monument.

The support and cooperation has been tremendous, and on behalf of the All Indian Pueblo Council, I express my sincere and heartfelt gratitude to everyone for the valiant efforts exhibited thus far to gain national monument status for the Albuquerque petroglyphs.

My views on the importance and the reasons for preserving the petroglyphs have not changed in the months since I first testified on H.R. 4930. In fact, because of the intense dedication by so many people, I am more convinced than ever to do whatever is in my power to be supportive of this endeavor.

At this time I wish to again emphasize the cultural and religious significance of the petroglyphs, and that their protection by the Federal Government will help insure for the Pueblo Indians their First Amendment rights under the United States Constitution, and also under the American Indian Religious Freedom Act of 1978.

Needless to say, the land and the petroglyphs are sacred to the Pueblo Indians because of the spirituality that exists there. I believe the etchings made by our ancestors were used as a way of reaffirming the beliefs and the way of life of the Indian people, and to communicate with the higher spirits. Thus, through these ritual drawings, our ancestors created a temple of worship that is truly worthy of our humble efforts to recognize and elevate the petroglyphs as an aesthetic national treasure for all peoples to enjoy.

It is my hope that the spirit of cooperation among the various parties involved continues, so that we may all celebrate and rejoice in unity once S. 286 becomes the law of the land.

I have reviewed all of the provisions of S. 286. Fortunately the Act is not lengthy and complex, so that it can be read and understood in a relative short time. I believe the language contained in the Act addresses our concerns for the traditional, cultural and religious purposes of the monument. However, I am recommending that section 5 (1)(b), line 14 through 15, be changed to read as follows: "The management plan shall be prepared in consultation with the appropriate Indian tribes and their civil authorities." Also, to be consistent with this recommended change, it becomes necessary to change section 6, line 17 through 19, to read: "Indian tribes and their appropriate civil authorities shall define the past cultural and religious uses of the monument by Indian people." This language change is recommended because within the Pueblo Indian tribal governmental structure all official business is channeled through the appointed or elected governor of the Pueblo. Once a particular matter is brought before the governor, who then presents it before the council, and together they determine who else should be consulted on the matter.

It is also my understanding that for the most part, once the funds are available, land purchases, exchanges and donations can be obtained and could be successfully accomplished in a timely manner. However, the entire Act could be jeopardized by the heirs of the Westland Corporation who wish to grant only a conservation easement rather than sell a portion of their land grant. I can truly sympathize with their position, because Indian tribes lost millions of acres through a myriad of shenanigans, but in this instance for the greater public good I would urge and encourage Westland Corporation to sell a small portion of their and for purposes of establishing the National Monument. Of course, if a land sale is totally out of the question, then the Federal Government must through a conservation easement or some other means assure availability of adequate land for the proper management of the monument.

In conclusion, I want to thank both of you, Senator Pete Domenici and Senator Jeff Bingaman, for this opportunity to testify on behalf of the All Indian Pueblo Council on this important issue. We stand ready to assist you in your efforts towards the passage of Senate Bill 286.

Thank you.

Senator BINGAMAN. Thank you very much, Mr. Chairman. I appreciate your testimony and we will undoubtedly have some questions for you.

The next witness is Ike Eastvold, who has been recognized by most of us here in our opening comments as the person most responsible for actually moving to bring the different points of view together and move this project forward. Ike is president of the Friends of the Albuquerque Petroglyphs. We are very pleased to have you.

STATEMENT OF ISAAC C. EASTVOLD, PRESIDENT, FRIENDS OF THE ALBUQUERQUE PETROGLYPHS

Mr. EASTVOLD. Senators Bingaman and Domenici and Representatives Richardson and Schiff, I want to say how proud I am with all our levels of government here today uniting behind this project, and how important it is going to be for New Mexico. And all the various groups, conservation and Indian and other groups that have worked so hard on this.

I think the bill before us, Senate Bill 286, is an excellent bill, and very well written, very well thought out. A great improvement over Senate Bill 2580 of last year. And I just would like to make a few suggestions on how it might be further improved and strengthened, an already very good bill.

We did participate in the congressional advisory committee, and as a result of that committee and further work we have come down to the concensus on boundaries, which you have on that map behind you. During planning, however, there was one discontiguous portion of the escarpment which was not addressed. This is called the Los Metates site. It is about halfway between the Piedras Marcadas Arroyo and the Zuris-Mann site. It is an outcropping of lava from the first lava flow of the volcanoes.

Senator **Bingaman**. Is there anybody who can come up and point that out? Doug, could you point out where that is for us?

Mr. **Farris**. In this area.

Mr. **Eastvold**. It is just about a hundred yards south of the Piedras Marcadas Arroyo that joins the great northern part of the escarpment to the Zuris-Mann Pueblo, and was evidently a stopping point on the way of the ancient Pueblo people up into the Piedras Marcadas area. There are over a hundred petroglyphs there, some of which are quite rare. There is one form of rock art there that I do not believe is found anywhere else on the escarpment. They are called "cupules," a very interesting form of rock art. There are 23 bedrock mortars and metates. The mortars are found nowhere else on the escarpment. An extensive cultural site was excavated by a professional archeologist just several years ago. It also has several geological features called lava tubes. It is an integral portion of the West Mesa petroglyph area. It is the last part of the area to be outside the boundaries of the monument, and we would strongly urge the Park Service and city to explore with the owner, Bellemah Community Development, ways in which this site could be preserved as part of the National Monument.

Secondly, I would like to recommend that the purposes and the findings be strengthened in the bill. The new area study that the Park Service did point out that under Alternative 2 we need to be very clear about purposes, so that the different agencies that are cooperating know exactly what the monument's purpose is. I would suggest in Section 2 (a) that the language read as follows:

> The Secretary shall protect, manage, enhance and administer the monument in such manner as to preserve the integrity of the cultural and national resources in their historic setting and provide for research, public understanding and enjoyment of the same.

And that be reflected in the section 5(a) of the general management plan which has to be consistent with those purposes so that it states:

> The general management plan shall have a cultural and natural resources plan for the monument with special emphasis on preservation of archeological resources, particularly the petroglyphs and their historic setting, giving high priority within the monument to the enforcement of the provisions of the Archeological Resources

Protection Act of 1979, the Historic Preservation Act, as amended, and the American Indian Religious Freedom joint resolution of 1978.

Thirdly, to further the purposes to provide for research, public understanding and enjoyment of the petroglyphs, we would strongly recommend provision in the bill for establishment of a Rock Art Research and Education Center. This could be guided by Public Law 96-550, which established research systems for the Chaco Culture National Historic Park. The Memorandum of Agreement between the University of New Mexico and the National Park Service's Division of Cultural Research for the Southwest Cultural Resources Center, which established the Chaco Center, which gave us a lot of good information about the Chaco culture and its significance. This Rio Grande style of rock art that we have is probably more poorly understood than was the Chaco cultural phenomenon when Chaco was first established. In order to provide public education and interpretation of that resource, the Park Service is going to need some good research information.

Really, the two cultural phenomena are comparable. This bill, Senate Bill 286, in section 5(c) does provide for the Park Service to research and report back to Congress in three years on all other Rio Grande-style rock art sites. Not all rock sites, but just Rio Grande-style sites here in northwestern New Mexico. So just as the original Chaco legislation asked for documentation of the Chaco outliers, we are asking for documentation of this very unique and important cultural phenomenon in the Southwest. And just as that documentation was a basis for the research conducted in the Chaco Center, the documentation already provided for in the bill would be the basis for research conducted through a Rock Art Research and Education Center. This research could apply to other Park Service units that have important rock art concentrations, which are presently under-utilized. Chaco culture, Bandelier, Salinas, Canyon de Chelly, El Morro, Petrified Forest and, of course, the new Zuni-Cibola Park. And most of these units are included in the Masau Trail, so the center's work will strengthen the appeal and the depth and meaning of the Masau Trail automobile tour as well. We see it coming forward with a wealth of benefits.

I think the major difference between the Chaco Center and what you might deal with at a Rock Art Research and Education Center is that this center should have the full involvement of the Pueblo Indian and the Hispanic people, either as staff or consultants to the work at the research center, to participate in the public's education of their culture as it is embodied in the West Mesa petroglyphs. The museum of New Mexico should be a participant as well. Their Laboratory of Anthropology has extensive files on New Mexico rock art, which are invaluable. And the auspices of the National Park Service Spanish Colonial Research Center will also be very helpful in questions of ecclesiastical and land grant history as these relate to the Atrisco Land Grant.

Fourthly, the endangered resource here is the archeological resource, which is on the surface of the land. Section 3(a) of this bill mandates that the surface of the land cannot be purchased until the subsurface of the estate is purchased first. We agree that the subsurface mineral, oil and gas and water stage should be purchased, but not at the expense of the subsurface endangered resources. So we would recommend instead that the bill state that the subsurface resource should be purchased no later than three years after surface. That assures the purchase and reimbursement of the owner, but it does not put it first in line before what we are really trying to preserve here.

Finally, in regard to land acquisition methods and the question of conservation easement, lease or fee simple, our overriding concern is that the Park Service must have clear, comprehensive authority to manage, administer, protect and provide public education for the resources of the monument in perpetuity. If the legal instrument that you are reviewing can guarantee those purposes, we would wholeheartedly support it. Otherwise, not only is the public's interest but the investments of Federal, state and city governments could be put at risk and the ability of the Park Service to fulfill its mission could be crippled. These resources are not renewable. The area is under strong development pressures. The loss of these resources is permanent. Conservation easements presently are used in the park system as a contractual device to provide scenic buffers or to control development densities and the types of development around the borders of a unit; not as a land acquisition method to provide the very foundation of a national monument with irreplaceable cultural resources at stake. We will await with great interest the committee staff's analysis and recommendation of the Westland's proposal to use the easement instrument for acquisition.

Finally, I would just like to say on April 15, a couple of days before taxes were due, we had a cleanup out at the north entrance of the Rinconada, and I was very proud on a beautiful Saturday with other pressing obligations, such as taxes, 70 people came out and donated their time. At the end of the day I think we had a lot of sore backs, but we had 17 tons of trash picked up and hauled off to the dump. We clocked in 35,000 pounds of trash. It made me really think about the commitment of this community to preserving the petroglyphs; that people would take their Saturday and do that kind of work for the petroglyphs. I am very proud to have been part of this whole thing and see the community come together around it, and I applaud your efforts.

Thank you.

[The prepared statement of Mr. Eastvold follows:]

FRIENDS OF THE ALBUQUERQUE PETROGLYPHS (FOTAP)
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April 28, 1989

Sen, Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, D.C. 20510 RE: FOTAP Testimony on S. 286

Honorable Chairman Bumpers, Senators Bingaman and Domenici, and Members:

The FOTAP is very appreciative for your invitational letter requesting us to testify at this field hearing on S. 286, The Petroglyph National Monument Act of 1989.

The FOTAP was founded in April of 1986 specifically to promote sound planning, protection, and public education for the magnificent array of Indian and Hispanic rock art found along Albuquerque's West Mesa petroglyph area, together with the associated archeological sites, plant and animal communities, geology, and the other important resource values which serve to define the historic setting for the rock art.

Today we have approximately 400 household memberships, mostly from New Mexico, but also with members in 22 other states and several foreign countries.

We are very grateful that you have taken your time and energy to hold this field hearing in Albuquerque to hasten the legislative work which remains to be done on S. 286. It is with good reason that the National Trust for Historic Preservation has included the West Mesa on its list of the nation's eleven most endangered historic places. These ancient art galleries are today like a Smithsonian without any security, vulnerable to the wanton whims of the vandal. And encroaching suburban development and public works projects have eroded the historic setting and environmental integrity of the rock art, even in some places resulting in theft or damage of the escarpment rock itself. The window of opportunity to create a new Petroglyph National Monument is inexorably closing. Time is of the essence. We hope your affirmative action on this matter will make 1989 remembered as "The Year of the Petroglyphs."

The FOTAP participated in your Congressional Advisory Committee for the Establishment of a Petroglyphs National Monument. We support the Monument boundary identified in the map accompanying S. 286 which has brought all parties represented on your Committee together in consensus. During planning, however, one discontiguous portion of the escarpment, the Los Metates site (LA 52099), was not addressed. This site is found between the Piedras Marcadas Arroyo petroglyphs and the Zuris-Mann site (LA 290), and lies about 100yds south of the Piedras Marcadas Arroyo channel connecting those two other portions of the Monument. There are over 100 petroglyphs, including a comparatively rare form of rock art called "cupules", 23 bedrock mortars and metates, an extensive cultural site which was excavated by archeologist Al Ward, and several unique geological features called lava tubes. This site is an integral portion of the West Mesa petroglyph area, and represents the last remaining part left outside the proposed Monuemnt boundaries. We strongly recommend that the NPS and the City explore with the owner, Bellamah Community Development, ways in which this site can be preserved as part of Petroglyph National Monument.

This year's legislation is a great improvement over last year's bill, S. 2580, and we applaud the many refinements and positive additions made by the members of the NM delegation. There are, however, some further positive changes we would like to suggest which would further enhance and strengthen an already very good bill.

The National Park Service West Mesa Petroglyph Study emphasizes that, under the preferred Alternative #2 cooperative plan for City, State, and Federal management/acquisition, "Legislation authorizing the monument would include a strong statement of the purpose of the monument (p. 43)." We feel the purposes of the bill need to be clearly and strongly stated in Section 2(a), and recommend the following language:

> "The Secretary shall protect, manage, enhance, and administer the Monument in such manner as to preserve the integrity of the cultural and natural resources in their historic setting, and to provide for research, public understanding and enjoyment of the same."

And since the General Management Plan provided for in Section 5(a) must be consistent with the purposes set forth in Section 2(a), it may be appropriate to define that in:

> "...a cultural and natural resources plan for the monument, with special emphasis on the preservation of archaeological resources, particularly the petroglyphs and their historic setting, giving high priority within the monument to the enforcement of the provisions of the Archeological Resources Protection Act of 1979, the Historic Preservation Act, as amended, and the American Indian Religious Freedom joint resolution of 1978."

To further the above-recommended purpose "to provide for research, public understanding and enjoyment" of the petroglyphs, we would strongly recommend provision in the bill for establishment of a Rock Art Research and Education Center which might be guided by Public Law 96-550 (Dec. 19, 1980) establishing research systems for the Chaco Culture National Historical Park. The Memorandum of Agreement between the University of New Mexico and the NPS Division of Cultural Research of the Southwest Cultural Resources Center establishing the Chaco Center may also provide a useful reference. The Rio Grande Style of rock art, which is represented in perhaps 90% of the West Mesa petroglyphs, is a major cultural phenomenon of national significance just as is the Chaco cultural phenomenon, except that our rock art is perhaps even more poorly understood than the Chaco culture has been.

Since S. 286, in Section 5(c) provides for the Park Service to research and report back to Congress in three years on all other Rio Grande rock art sites, the mechanism is already in place in this bill to document the extent of the cultural phenomenon, just as was done to document the Chacoan outliers. It is only one more logical step to take this body of knowledge and provide for the establishment of a Rock Art Research and Education Center which can make Park Service educational programs richer and much more meaningful for the visitor to Petroglyph National Monument. And this same research can apply to other NPS units with important rock art concentrations which are presently under-utilized: Chaco Culture, Bandelier, Salinas, Canyon de Chelly, El Morro, Petrified Forest, and others. Since most of these units will be included on the Masau Trail, together with the newly-created Zuni-Cibola which also has marvellous Rio Grande Style rock art, the Rock Art Research Center's work will also strengthen the appeal and depth of the Masau Trail automobile tour.

The Rock Art Research Center should have the full involvement of Pueblo Indian and Hispanic staff and/or consultants to involve these groups in the public's education of their culture as it is embodied in the West Mesa petroglyphs. Besides UNM departments, the Center should also have the participation of the Museum of New Mexico where the Laboratory of Anthropology has extensive files on New Mexico rock art. The auspices of the NPS Spanish Colonial Research Center would be very helpful in questions of ecclesiastical and land grant history as these relate to the petroglyphs, as well.

Since the surface archeological resources, and not the subsurface mineral resources, are properly the object of establishing this Monument, and for providing protection to these endangered cultural sites, it is not appropriate to require that the subsurface estate be acquired before the surface, as is done in the present Section 3(a). We recommend, instead, that the bill eliminate this topsy-turvy, backward provision, and substitute language requiring that the 2224 acres of subsurface estate owned by Cerrillos Land Company within the boundaries of the Monument be acquired no later that three years after acquisition of the surface estate.

In regards to the Westland Development Company's recent position favoring a conservation easement interest over full fee simple title for their lands to be included in the Monument, we have a number of questions and concerns. Our overriding concern is that the Park Service have clear, comprehensive legal authority to manage, administer, protect, and provide public education for the resources of the Monument in perpetuity. Otherwise, not only the public's interest and the investments of Federal, State, and City governments are put at risk, but the ability of the Park Service to fulfill its mission could become clouded. The cultural resources of the Monument are non-renewable, and the area is under strong development pressures. Loss of these resources would be permanent. Conservation easements in the Park System are a contractural device to provide scenic buffers or to control development densities and types around the borders of units, not as a land acquisition mechanism to provide the very foundation of a national monument with irreplaceable cultural resources at stake. We will await with great interest the Committee staff's analysis and recommendations on Westland's proposal to use the easement instrument for acquisition.

Finally, we want to recommend strongly that the Federal government work closely with City and State governments in the design of Unser Boulevard as a parkway. This roadway, if properly designed and constructed, could become the most beautiful in all of Albuquerque, and achieve national renown. If done badly, it could jeopardize the Federal investment by severely degrading the visitor's experience with noise pollution and disharmonious intrusions.

Thank you for this opportunity to testify. We hope our comments will be helpful in realizing the maximum potentials benefits from the new Petroglyph National Monument for all peoples, and for all generations to come.

Sincerely yours,

Isaac C. Eastvold

Isaac C. Eastvold, President

Senator **Bingaman**. Thank you very much.

Our next witness is Chuck Wiggins, who is the chairman of the Rio Grande Chapter of the Sierra Club. Timing is running late. If I could just remind all of the witnesses to please summarize your statements the best they can and try to keep it in a form that we can still have some time for questions.

Chuck, thank you for being here.

STATEMENT OF CHARLES WIGGINS, CHAIRMAN, RIO GRANDE CHAPTER OF THE SIERRA CLUB

Mr. **Wiggins**. Mr. Chairman, Senator Domenici, Representative Richardson, Representative Schiff, thank you for the opportunity to address the subcommittee concerning S. 286. The Rio Grande Chapter of the Sierra Club is pleased to support the Petroglyph National Monument Establishment Act of 1989. In the interest of brevity I would like to ask that you just enter my written testimony in the official record of the hearing.

Senator **Bingaman**. We will do that.

Mr. **Wiggins**. I will briefly summarize some of my statements. As a matter of fact, Ike has pretty much touched on most of the things that I wanted to talk about. Let me reiterate a couple of things that have been stated so far. As you have heard, and as Senator Domenici indicated at the beginning of the hearing, this area is in jeopardy. And I think that it would be appropriate to look at the bill, section 1(b), which is proposed findings for the legislation. The proposed findings basically serve as a basis for implementing the proposed legislation. I would recommend that perhaps we should extend this section of the bill to include or to address the fact that this fragile area is squarely within the path of Albuquerque's development and urban encroachment, and, as such, in imminent danger.

In conjunction with that it is appropriate for section 2(a), which addresses the purpose of the legislation, to similarly address threats to the resource.

I would like to thank Congressman Bill Richardson for his proposed amendment to create the Rock Art Research Center. We feel that this amendment greatly enhances section 5(c) of the current legislation, and the Sierra Club enthusiastically embraces the concept and recommends that you incorporate this amendment in the legislation.

The Sierra Club also supports efforts to explore methods of land acquisition that best accommodate the landowners on the West Mesa. However, we strongly believe that all agreements between landowners and the Federal Government concerning land within the National Monument must meet some minimal criteria. And I believe that those criterian include that the National Park Service must have full management authority within the boundaries of the National Monument, and must be free to administer the land within the National Monument. We also feel that development by other parties other than the National Park Service should not be allowed within the boundaries of the National Monument.

As has been stated that both the City of Albuquerque, the State of New Mexico have made substantial financial commitments to this effort. I would just like to add my vote to those who said we would like to see that the Federal Government commit its resources for the protection of the area. At a minimum the National Park Service should receive adequate funding to protect the resources and to initiate planning process for the monument.

Parenthetically, I would like to urge all of you collectively to put your hands on the spigot of the Land and Water Conservation Fund in Washington; not only for this issue but others that are coming up nationwide, too.

And I was going to give a blurb about the Los Metates site, which Ike has so eloquently described. Sierra Club also supports study or consideration of that as an inclusion in the National Monument.

So while a lot of the important details remain to be heard—I should say a few of the important details remain to be ironed out, there is now widespread support from the conservationists, developers, businessmen and residents. I think that is good. New Mexico is now in competition for limited resources in its attempt to secure funding for the Petroglyph National Monument. I think that it is important that we as a community unite to fight for this legislation in Washington. Fortunately, we do not have to do this alone. We are fortunate that local environmentalists have been working to get help of their national organizations, and we have secured that help. And with that comes access to a remarkably effective network of volunteer and professional staff, who can help us. I think they are going to be an inestimable value as we push for this legislation on Capitol Hill.

However, in order to retain that help I think it is going to be important for us to demonstrate to the national organization that our project is worthy of their attention and the investment of their limited resources will be well spent on this National Monument. To that end I think it is important to realize that any further degradations of the Petroglyph National Monument ruins our chances of keeping the national conservation organizations focused on this issue, and further more, we are going to have to summarily focus the attention of your colleagues in Congress on this issue. I think that further degradation of the resource out there would be detrimental to our efforts to do that.

So with that I personally would like to thank each member of the Congressional delegation for their support, and I would like to thank the staff members for their help in putting this together.

[The prepared statement of Mr. Wiggins follows:]

The Rio Grande Chapter of the Sierra Club

STATEMENT OF

CHARLES WIGGINS, CHAIRMAN

RIO GRANDE CHAPTER OF THE SIERRA CLUB

ON

S.286

"THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989"

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

OF THE

UNITED STATES SENATE

ALBUQUERQUE, NEW MEXICO

APRIL 27, 1989

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to discuss S.286, 'the Petroglyph National Monument Establishment Act of 1989. The Rio Grande Chapter of the Sierra Club is pleased to support S.286. On behalf of our organization, I respectfully submit the following recommendations concerning this legislation.

FINDINGS. Section 1(b) of the proposed legislation lists certain findings of Congress that serve as the basis for implementing the proposed legislation. This section should be expanded to address the fact that this fragile area lies squarely in the path of Albuquerque's urban encroachment and development and, as such, is in eminent danger. Currently, this area is virtually unprotected and is at risk from vandalism, off road vehicle abuse, trash dumping, and illegal shooting.

PURPOSES. The stated purposes of the legislation, as stated in Section 2(a), should be expanded and strengthened to address the concerns expressed in the preceding paragraph.

MANAGEMENT PLAN. Section 5 of the legislation should specifically require the proposed management plan to be consistent for both the city and federally managed areas of the proposed Monument. The management plan must be in concordance with the stated purposes of the legislation, and should address concerns that are included in the present testimony.

ADVISORY COMMITTEE. As outlined in Section 7 of the proposed legislation, this committee will play a key role in the management and development of the National Monument. Currently, Section 7(a)(5) of the legislation provides for the Department of Interior to appoint two members to this committee. The Sierra Club recommends that the language of the legislation be modified to specify that these two appointments be selected from recommendations submitted by the National Park Service.

ROCK ART RESEARCH CENTER. We have learned that Representative Bill Richardson recently proposed an amendment to the legislation that would create a Rock Art Research Center. We feel that this amendment greatly enhances Section 5(c) of the current legislation. Under this proposal, the West Mesa petroglyphs would serve as a focal point for the study and interpretation of rock art throughout the southwestern United States. The Center's close proximity to Albuquerque would increase the opportunity for research and education, would strengthen the attraction of the Monument to the general public and scholars, would provide opportunities for contemporary Pueblo people to research and share their cultural traditions, and strengthen the Monument's contribution to the local economy. It would also provide an important addition to the National Park Service's research program. The Sierra Club enthusiastically embraces this concept and recommends that you incorporate this amendment into the legislation.

LAND ACQUISITION. With respect to Section 3 of the proposed legislation, the Sierra Club supports efforts to explore methods of land acquisition that best accommodate the land owners. However, we strongly believe that all agreements between land owners and the federal government concerning land within the National Monument must meet the following minimum criteria: 1.) the National Park Service must have full management authority within the boundaries of the National Monument; 2.) the National Park Service must be free to administer the lands within the National Monument; and 3.) development by parties other than the National Park Service should not be allowed within the boundaries of the National Monument.

FUNDING: Section 9 of the proposed legislation addresses funding for the Monument. The City of Albuquerque has committed over $14 million for land acquisition within the boundaries of the proposed National Monument. The State of New Mexico similarly earmarked $6 million for this purpose. We now need the federal government to commit resources for protection of this area. At a minimum, the National Park Service should receive adequate funding to protect this resource and to initiate the planning process for this Monument.

The Sierra Club requests that you also consider the following topics that are relevant to this legislation.

LOS METATES. The Los Metates site is a discontiguous portion of the West Mesa Escarpment that has, to date, received relatively little attention. This segment includes naturally occurring lava tubes, as well as man-made mortars, metates, cupules, and over 100 petroglyphs. The Sierra Club would like to see this remarkable area incorporated into the National Monument.

UNSER BOULEVARD. Unser Boulevard will likely have the single most significant impact of any public works proposal on the National Monument. Stretches of this roadway will border on key portions of the National Monument, including the Rinconada canyon, Marsh Peninsula, and Piedras Marcadas arroyo. The Sierra Club feels that this roadway should be designed and constructed in a manner that would minimize its impacts on the National Monument. We recommend the use of berms and a restriction on truck traffic to reduce noise levels. We also recommend the use of native plants for landscaping. A progressively designed Unser Boulevard could, in fact, be a showcase for the city rather than just another stretch of blacktop.

Thank you for the opportunity to submit this testimony. I would be happy to answer any questions that you might have.

Senator **Bingaman**. Thank you very much for that statement.

Our next witness is Mary Lou Sorenson, who is the chairperson of the Quality of Life Coalition here in Albuquerque. We are very pleased to have you here to testify.

STATEMENT OF MARY LOU SORENSON, PRESIDENT, THE QUALITY OF LIFE COALITION

Ms. **Sorenson**. Thank you, Senator Bingaman, Senator Domenici, Representative Schiff and Representative Richardson.

I am the current president of the Quality of Life Coalition, an organization incorporated in New Mexico last year and formed to bring together a number of groups interested in the successful realization of several major "quality of life" projects in Albuquerque. They will be funded by a special city quarter-cent tax that has been referred to before today. 13.8 million—and I am getting confused about how much money that comes down to. I thought it was 13.8. I hear 14. I hear 16. At any rate, it is in that range. It is earmarked for the acquisition of lands needed for the National Petroglyph Monument. Member organizations include the League of Women Voters, American Association of University Women, the Zoological Society, Friends of the Botanic Garden, Open Space Task Force, the Albuquerque Conservation Association, the Chamber of Commerce, the New Mexico Archeological Council, and many others.

This winter the Quality of Life Coalition determined that state funding for the Petroglyph National Monument would be our priority issue. During the 1989 session we lobbied our legislators hard for the passage of an appropriation of $5.7 million to be added to the $300,000 appropriated in 1988. Our efforts and those of many others were successful. The message from the state joins with the message from the City of Albuquerque: designate 17 miles of the West Mesa Escarpment as a National Petroglyph Monument. This sentiment underscores a realization of the unique nature of the cultural and archeological treasure that exists on the edge of this burgeoning metropolis.

While the concept of the National Monument is relatively recent, the belief that the escarpment with its thousands of petroglyphs should somehow be protected has been in the minds of many for years, and, in fact, is reflected in Albuquerques' Comprehensive Plan first adopted in 1974. As support has coalesced around the National Monument concept, more and more have been made aware of how precious is the resource we are trying to protect and preserve. The historic and prehistoric lessons to be revealed through study and observation of the area will be treasured forever. There are educational benefits for both the casual tourist and serious researcher of rock art. In this regard a center for research and education at the monument we believe has great merit, as proposed by Representative Richardson.

However, even with strong city and state support in New Mexico, we alone cannot create a National Petroglyph Monument. We must have the help of Federal funding. The excellent plan set forth by the National Park Service provides the framework for a successful monument. Economic studies project a high level of visitation, something perhaps equivalent to that of the Petrified Forest. With its close proximity to the city the size of Albuquerque it promises to be a popular tourist attraction. Our great concern at the same time is that Albuquerque's rapid development to the west is encroaching very negatively into the very area that needs to be preserved. Fortunately, our developers have been most cooperative, but without protection further damage is occurring through dumping and vandalism, as has already been cited. The time is now. In all fairness to landowners acquisition cannot be postponed much longer.

We urge the passage of S. 286 and funding for the National Petroglyph Monument.

Thank you, again, for introducing this legislation and for holding this field hearing. We appreciate the opportunity to express our views.

Senator BINGAMAN. Thank you very much.

The final witness on this panel is Bob Turman, who is the chairman of the Open Space Task Force here in Albuquerque. Bob, we appreciate your leadership on this issue and your presence today?

STATEMENT OF BOB TURMAN, CHAIRMAN, OPEN SPACE TASK FORCE

Mr. TURMAN. Thank you, Mr. Chairman, gentlemen. I would like to extend the voice of the Open Space Task Force also in support of the Petroglyph National Monument, and thanking all of of you for being here today and for the work that you have already done towards moving towards this National Monument.

West Mesa Escarpment and its petroglyphs has long been a priority issue for the City of Albuquerque, as Mr. Baca has mentioned, and we have all worked steadily towards that goal. The Escarpment was listed as a high priority natural resource for open space acquisition as early as 1969, with the writing of the first Goals Committee report. That recommendation was then formulated into policy in the 1975 Comprehensive Plan and later updated in the 1988 plan. In this plan the escarpment area and the volcanoes behind the escarpment is one of the three key areas that form the city-wide open space urban park network. Gross receipts tax, capital improvement bonds have been used to fund and purchase this open space network. The Indian Petroglyph State Park has been established, and it has already protected one of the key areas of the petroglyph and the escarpment, and that park continues to bring in visitors each year who can see the petroglyphs and learn more about them.

Preservation of the entire escarpment area, however, is a task that is beyond the resources that are available at the local level. As we have stated today, we have better than $20 million available from the city and the state, but that is only 30 percent of the total that we need. For the additional then we look to the Federal Government.

Growth and development in Albuquerque is proceeding at an accelerated rate. The city has made a good-faith effort to hold those boundaries that you see there on the wall today by establishing a one-year moratorium on development. However, that one-year moratorium allows continued development planning, so I would anticipate that if nothing has been done within that one-year period, we will be under even more increased pressure to make some decision quickly.

A clear commitment of the Federal Government to the Petroglyph National Monument is essential now. Legislation should be enacted this year to establish the monument. Sufficient funding should be given to the Park Service so they can begin some detailed planning. Once the monument is established, the details of the management and planning should be much more easily available.

There has always been a strong grass-roots support for the monument in Albuquerque and throughout New Mexico. This has been evidenced by the gross receipts tax that has already been passed and also by the support that was given to the New Mexico legislature when they passed their $6 million. We urge you to proceed with all deliberate speed with this hearing and with the passage of S. 286 to establish this monument.

Thank you.

[The prepared statement of Mr. Turman follows:]

OPEN SPACE TASK FORCE

Albuquerque, New Mexico

TESTIMONY BEFORE THE SENATE SUB-COMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS
FIELD HEARING ON APRIL 28, 1989

Senator Bingaman, Senator Domenici, Members of the Committee:

The Open Space Task Force wishes to express its strong support for the establishment of the Petroglyph National Monument along the West Mesa Escarpment in Albuquerque. More than 15,000 petroglyphs are arrayed across this escarpment. These carved animals, flute players, and star beings stand as mute testimony of an ancient past which we can now only glimpse in a few sparks of imagination and artistry that have survived the ravages of time. Nowhere else can we find such a rich diversity and concentration of this rock art, and no other location is so ideally suited for a national learning center established in close proximity to a major metropolitan area. But these treasures can be passed on to future generations only if we take measures now to protect them. Increased population pressure on the West side exposes these rock carvings to an increased risk of inadvertent damage and vandalism.

The West Mesa Escarpment and its petroglyphs has long been a priority issue for the city of Albuquerque, and we have worked steadily toward that goal. The Escarpment was listed as a high priority natural resource for Open Space acquisition by the city's first Goals Committee report issued in 1969. That recommendation was formulated into policy in the 1975 Comprehensive Plan, and again reiterated in the 1988 plan update. In this plan, the Escarpment area is one of three key areas that form a city-wide Open Space urban park network. Gross-receipts taxes have been levied to fund this network. The Indian Petroglyph State Park was established to protect and display a key section of the Escarpment, and that park continues to draw a large number of visitors each year to see and learn more of this cultural heritage.

Preservation of the entire Escarpment area, however, is a task beyond the resources available at the local level. The National Park Service has evaluated this area for its potential as a National Monument dedicated to the preservation and study of Native American rock art. This study suggested a joint-purchase arrangement between the city, state, and federal governments. The city of Albuquerque has committed itself to this Monument concept by establishing a sales tax to generate 14 million dollars for land purchases in the area. The state of New Mexico has also dedicated 6 million dollars to purchase its share of the Monument. Thus major portions of the Monument can now be purchased and preserved with these existing funds. However, these lands comprise only 30 % of the completed Monument, and we now look to the Federal government to provide the remainder.

Dedicated to the preservation of City Open Space

Growth and development in Albuquerque are proceeding at an accelerating pace. The city is making a good-faith effort to control the fate of the Monument area by issuing a one-year moratorium on development within the proposed monument; other construction projects adjacent to the monument, such as the Unser Boulevard expansion, are being planned to be compatible with the Monument. But development cannot, and should not, be blocked indefinitely without just compensation. In a growth area such as this, decisions must be made quickly and decisively. We must move rapidly to establish the Monument this year. Since the city's development moratorium allows continued planning, it is likely that new development projects will be ready to begin soon after this one-year hiatus if no federal decisions have been made.

A clear commitment of the Federal Government to the Petroglyph National Monument is essential now. Legislation should be enacted this year to establish the Monument. Sufficient funding should be allocated to provide a detailed design and management study by the National Park Service. Detailed planning, acquisition, and management decisions can be made much more easily after the existence of the Monument itself is certain.

There is strong grass-roots support for the Monument in Albuquerque and throughout New Mexico. A large and vocal group of citizens supported the quarter-cent sales tax that provided the city funding. New Mexico residents voiced their support for the Monument when the Legislature deliberated on funding during the 1989 session. Conservation groups, citizens, and government agencies have all worked for many years to protect these precious archaeological resources so that future generations can study and appreciate this unique window to the nation's heritage. We urge you to proceed with all deliberate speed with hearings and passage of S.286 to establish the Petroglyph National Monument and make this dream a reality.

Bob Turman
Chairman
724 Supper Rock Dr NE
Albuquerque, NM, 87123

Senator **Bingaman**. Thank you very much. To follow your final suggestion, to proceed with deliberate speed in this hearing, which we are trying to do, I will just defer at this point and defer to Senator Domenici if he has questions of this panel.

Senator **Domenici**. I think I am going to do likewise.

Mr. Turman I have one question that I will ask you to answer later. We will just submit an answer for the record. It is open for a few weeks, if you do not mind.

Thank you, Mr. Chairman.

Senator **Bingaman**. Congressman Richardson.

Mr. **Richardson**. I do have one question to Chuck, Ike and Mary Lou on the easement issue.

Have your organizations stated a preference to the type of option? Do you support the Park Service's position for the fee purchase? Do you have a position on that? The conservation groups, if you can speak for all three.

Mr. **Eastvold**. I do not think I speak for all three, but as I say, our overriding concern is that the Park Service should have clear, comprehensive legal authority to manage, administer, protect and provide public education for the resources of the monument in perpetuity. That pretty well sums it up. As far as whether the conservation easement is the legal instrument that can serve those purposes or not, that is really beyond our judgment. We are going to wait for the judgment of the committee staff on that in the context of the National Park system.

We are concerned, however, that the national conservation group that knows most about national parks and monuments, that is the National Parks and Conservation Association, has in its testimony to our hearing taken a position opposed to the use of the conservation easement here.

Mr. **Richardson**. Bob, do you have a position?

Mr. **Turman**. Our overriding concern, of course, is the preservation of the petroglyphs and the escarpment itself. That is the paramount thing that needs to be addressed. If a proposal can be worked out that that can be accommodated, then we would be in favor of it. It appears to me to be a very delicate management issue that the Park Service is going to have to work into their management proposals. So, as I see it, it is primarily a management and legal concern for the Park Service.

Mr. **Richardson**. What a diplomat.

Mr. **Turman**. I want the petroglyphs preserved.

Mr. **Wiggins**. Bill, I just have one further point, perspective. I think it is not constructive to think of this as an either/or situation. I think this particular use of the land is quite different than if this land was being sold to a private landowner, who is going to develop it, or the land was being taken away for something that was going to exclude either the Atrisco heirs or other people from their traditional use of the land. To that extent I think this is quite a different situation, even if the Federal Government obtained the land in fee simple, it is theoretically the people of this country, including the Atrisco heirs, that own that land. It is not as though somebody is taking something away and keeping people away from it, and I think that is an important thing to keep in perspective.

The Sierra Club also encourages the committee to pursue the conservation easement option at the request of the heirs.

Senator BINGAMAN. Congressman Schiff will be back. I guess we will just thank this panel for their excellent suggestions. I think some of the specific suggestions we heard are very good, and we will certainly consider those very seriously in this legislation. Thank you all very much.

Could the final panel come forward? We have four or five people who are members of that; Alberto Candelaria, Skip Buchanan, Coda Roberson, Neal Wiggans and Jaime Chavez.

Let me indicate for the record that Mr. John Johnson was scheduled to testify but was forced to leave, and regretted that he was not able to be here. But if he has testimony that he wants to submit, we will certainly do that in the record.

This is our final panel. I would, once again, urge, to the extent possible, everybody summarize their statements. We will include any written statements that you have in the record.

Mr. Candelaria, if you would like to be first, we would be glad to hear from you

Mr. CANDELARIA. Thank you, Mr. Chairman. We have been working with the Atrisco Land Right Council together on this, and by agreement we have agreed that they would go first and then we can cover any points with regard to technical aspects of the ownership of the land. With your indulgence I would request that Mr. Jaime Chavez be allowed to go first.

Senator BINGAMAN. We will be very glad to hear Mr. Chavez.

STATEMENT OF JAIME CHAVEZ, ATRISCO LAND RIGHTS COUNCIL

Mr. CHAVEZ. Mr. Chairman, I appreciate and thank you for the opportunity to address this distinguished body. My name is Jaime Chavez, and I am executive director of the Atrisco Land Rights Council. My statement is brief and I will read it into the record.

In 1992, the Atrisco Land Grant will approach 300 years as a continuously settled community land grant previously subject to the laws, ordinances and customs of Spain and Mexico. Subsequently the grant has been subjected to the laws of New Mexico Territorial Government and currently the laws of the State of New Mexico and the U.S. Government. As a result of this unique set of relationships, the U.S. Government is subject and bound to provisions contained within the Treaty of Guadalupe Hidalgo signed in 1848.

Our community elders (los ancianos) are still very aware of our continuous indigenous stewardship, where common ownership of land for the benefit of community members, has played a central role in the social, cultural, spiritual, economic and political well-being of Atrisco. "Atrisqueno" existence historically has been defined by the relationship of its people to the land.

Our traditional values as a land-based community, however, as a once self-reliant agricultural community is under threat. Poverty, cultural stagnation, economic marginalization, poor education are terms frequently used to describe the Atrisco condition. City expansionism, growth and development now overshadows the ways of this once pastoral self-contained ecosystem.

The West Mesa Petroglyphs, (Las Piedras Marcadas), are a cultural reservoir of dreams and memory inscribed in rock, the legacy of Indo-Hispano spirituality and a true sense of historical continuity. The nearly 2,000 acres of Atrisco commonlands proposed to be included within the National Petroglyph Monument offers Atrisco heirs the opportunity to exercise our rights to preserve and protect, consistent with the intent of the grant, that which we view as sacred. The Atrisco Land Rights Council maintains its position that a well designed conservation easement strategy can satisfy both Atrisco's long-standing conservation heritage needs and public use of the area.

The Atrisco Land Rights Council stands in agreement with Westland Development Company, Inc., as stated April 9, 1989, in the METROPLUS section of the Albuquerque Journal that "the company" would allow the property to be used for monument purposes by granting a conservation easement to the National Park Service. The transfer of certain rights from the Atrisco Land Grant, today formed as Westland Development Company, Inc., should allow the National Park Service with clearly defined, comprehensive objectives and clear monitoring and enforcement systems, the ability to effectively manage in cooperation with the landowner, the proposed Petroglyph National Monument. The protection in perpetuity of this unique geocultural landscape will maintain the consistency of title (price of ownership) within the Atrisco family while preserving the serene beauty, natural vegetation/habitat, scenic open space and spiritual quality of this powerful place.

We firmly suggest that S. 286, page 5, lines 8 through 17, be amended to read: "Section 3(a) The secretary is authorized to acquire lands and interests," insert, "included but not limited to easements such as conservation easements, in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that lands or interests," insert, "including easements, such as conservation easements, therein owned by the State of New Mexico or political subdivisions thereof may be acquired only by donation or exchange. Where the surface and subsurface estates," insert, "including easements such as conservation easements of any private lands to be acquired are separately owned, the Secretary shall not accept title to the surface estate of such lands until he has acquired the subsurface estate underlying the lands." Insert, "The Secretary shall take no action to alienate water rights, subsurface estates or other interests in land authorized for inclusion in the Petroglyph National Monument."

Any proposed sale of Atrisco commonlands without consent by a majority of Atrisco heirs could potentially constitute, in our opinion, a major usurpation by the U.S. Government of our diminishing ancestral homelands. The park potential affords New Mexico natives the opportunity to become involved in their own past and living history as major players in the park's development. The potential for social and economic related activities between Atrisco heirs, Native Americans, the National Park Service and the general public can generate a model of cooperation and benefit in tune with New Mexico's multicultural heritage. It can showcase with respect and dignity the beauty of native traditions brought together in common pursuit and enjoyment of the privilege as intended by this country's very own constitution. We continue to support the establishment of the Petroglyph National Monument through S. 286 and advocate its preservation in perpetuity.

Thank you very much.

Senator BINGAMAN. Thank you very much.

Mr. Candelaria, did you want to give us your testimony at this time?

STATEMENT OF ALBERTO CANDELARIA, VICE PRESIDENT, WESTLAND DEVELOPMENT CO., INC.

Mr. CANDELARIA. Yes, sir. Thank you, Mr. Chairman, for the opportunity to testify today on legislation now before you to protect the West Mesa Escarpment, the petroglyphs. At a previous hearing held in October, Westland pledged its support for these efforts, support that continues to this day.

As you know, a significant portion of the escarpment and petroglyphs are located on Westland's land and are linked to our 300-year history. For the benefit of those of you unfamiliar with the company, I would like to briefly trace that history, because it has a direct bearing in our involvement here today.

The Atrisco Land Grant is a Spanish colonial grant generally believed to have been formed in 1692. The King of Spain gave the land to the inhabitants and settlers of an area west of what is now Albuquerque.

Two hundred years later, in 1892, the Atrisco people organized the community land grant into a land grant corporation that would own and manage the land. About 231 people were involved in the incorporation that created the Town of Atrisco and each owned an interest in that corporation. Today, to be eligible as a Westland shareholder, you must be a lineal descendant of one of these original incorporators.

By the mid-1960's governance of the land grant corporation had become cumbersome and ineffective. The heirs sponsored state legislation, which after adoption in 1967, enabled them by a majority vote to convert the Town of Atrisco, Inc., to a business corporation, operating under the general corporation laws of the State of New Mexico. Thus, Westland Development Company was formed.

Activities of Westland are conducted in accordance with the Business Corporation Act of New Mexico, the same act that governs all business corporations in the state. Stock was distributed to land grant heirs in proportion to their ancestors' ownership interest in the Town of Atrisco. Today, Westland has approximately 4,600 shareholders living throughout the country, and owns about 49,000 acres of land along Interstate 40 west of Albuquerque, fully 60 percent of the original land grant of 83,000 acres.

About 1,900 acres of that land is planned to be included in the Petroglyph National Monument. Westland, as a business corporation, is able to enter into and be bound by any agreement with the Federal Government and specifically the National Park Service. As fee owner of the land, Westland is the only entity that would negotiate for conveyance of any rights to its land. Westland's board of directors has consistently supported the creation of a Petroglyph National Monument and has cooperated with the city, state and

National Park Service throughout the process that brought us here today. Recently the board adopted a resolution in favor of establishment of the monument by means of a conservation easement.

The board believes this method to be the best method for establishment of the monument because it coincides with Westland's basic philosophy of enhancing the value of this land through development, so that Westland shareholders benefit economically, both through increased value of their shares and increased dividend payments. It also preserves ownership of the land for both shareholders and an estimated 20,000 land grant heirs who are potential shareholders.

Westland anticipates that some of the uses to be continued and reserved by Westland as owner would be:

First, oil, gas, mineral, water and geothermal rights, provided that there is no surface disturbance of the land.

Secondly, open space credits. In certain types of development, the City of Albuquerque ordinance requires Westland to provide a specified amount of open space to the city in an area other than the site being developed. Westland could provide this open space from part of the land conveyed by the conservation easement to the Park Service. We ask that the City of Albuquerque work with us on this. Again, this would prohibit any surface use or disturbance of the lands.

Thirdly, a cultural center on the property in the area planned visitors' center devoted to the history of Atrisco and its people.

Four, continued use of the land for grazing where it is not being used or developed in order to preserve our favorable green belt status for the purpose of property taxes. This, of course, would be away from the petroglyphs. Those vast areas that you see on the map.

Finally, other possible uses that would be identified when the easement and state document is prepared. Also, the question of general liability needs to be addressed at some point. Again, I would like to stress that there would be no interference with the park itself for the purpose of the park.

It appears that an easement within these limited uses would save the Federal Government 5 to 10 percent of the cost of acquiring the land in fee simple. In these times of Federal budgetary problems, this cost savings could be significant. I might add here that terms could be negotiated. We understand that there is a serious budgetary crunch and could possibly negotiate terms and work with everybody on this. Yet the use of the land by the Park Service would not be impaired in the least. The government would have the conservation easement in perpetuity.

Easements are a fairly common instrument in the land business. Easements have been used by Federal agencies, states and local governments and the private sector for many years. According to the National Park Service's own Planning Process Guideline, Chapter 8 on easements, approximately 69,000 acres within the National Park system are covered by easements as of September of 1984. At least 86 park units include some type of easement acquired by the Federal Government. Excluding Alaska, the park system includes more than 1 million acres of private land. Plans for protecting the 358,000 acres of private land scheduled for acquisition envision expanded use of easements, according to the Park Service document.

In conclusion, Westland board of directors believes the conservation easement concept to be the preferred acquisition method for all parties involved for the 1,900 acres of Westland's land included in the monument. We realize that many details of the acquisition need to be worked out. We are ready to proceed immediately with negotiations with the Park Service.

Again, thank you for the opportunity to comment on this proposed legislation, and we hope that we can proceed quickly from this point on to establish an effective protection mechanism for this valuable resource.

Senator BINGAMAN. Thank you very much for that testimony.

Next witness is Mr. Skip Buchanan with Laurelwood II Joint Venture. We are very pleased to have you here as a witness.

STATEMENT OF SKIP BUCHANAN, MANAGING PARTNER, LAURELWOOD II JOINT VENTURE

Mr. BUCHANAN. Thank you, Senator Bingaman, Senator Domenici, Congressman Richardson, Congressman Schiff. I am the managing partner of Laurelwood II Joint Venture which owns 109 acres adjoining the south side of Mesa Prieto, which is in the Federal area of acquisition.

I am pleased to be asked to appear before you to testify in support of S. 286 "To Establish the Petroglyph National Monument in New Mexico."

In the summer of 1988 I was pleased to serve on Senator Domenici's advisory committee composed of all affected parties, including landowners, environmental and conservation groups, city and state planning groups and the National Park Service in an effort to address all the concerns in the acquisition of the lands for establishment of the monument. We have participated in the City of Albuquerque's process to establish the Escarpment Protection Plan. More recently we have participated in dialogue with the City of Albuquerque in which the city council passed the Moratorium of Utility Extension and Property Acquisition Policy of the Petroglyph National Monument sponsored by Councilor Bicknell. We supported the moratorium with the proviso that the city "should pursue acquisition of property which is within the boundaries of the National Monument—within the Federal area of acquisition if the city will be compensated by the National Park Service . . . for purchase agreements and options."

We feel that the landowners, such as ourself, have had to carry the financial burden during this time. In our case we have extensive financial obligations to our bank, Sunwest Bank, and for more than two years have had to service the debt on our property that is encumbered by the Federal area of acquisition. This is an extreme hardship. We ask Senators Domenici and Bingaman to assist us by encouraging the City of Albuquerque to move as rapidly as possible in entering into purchase or option agreements so that we can meet our financial obligations.

Thank you for this opportunity to appear before you and do support your efforts to bring this fine program to reality. Thank you.

Senator **Bingaman**. Thank you very much for that statement.

Our final witness today is Neal Wiggans with the Volcano Cliffs Property Owners Association.

Neal, we appreciate you being here and look for forward to your statement.

STATEMENT OF NEAL WIGGANS, PRESIDENT, VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION

Mr. **Wiggans**. Chairman Bingaman, Senator Domenici, Congressman Schiff and Congressman Richardson, I appreciate this opportunity to present our comments regarding the establishment of the National Petroglyphs Monument in Albuquerque.

Volcano Cliffs Property Owners Association represents more than 1,200 individual property owners in the Volcano Cliffs Subdivision. Most of the property owners whose properties will be included in the boundary of the National Petroglyph Monument have owned their lot or lots for many years and had dreams of building on the escarpment that offers such a beautiful view of Albuquerque and the Sandia Mountains. Most of the owners of the 330 or so lots wanted for inclusion in the National Petroglyph Monument owned their lots long before they ever heard of a Petroglyph Monument.

Due to the extended period of time which it has taken to study, cuss and discuss the potential of a National Petroglyph Monument, and due to the fact there is now a one year moratorium on the development of any land in the proposed boundary, the market for this land has been at an absolute standstill. This has put a real economic hardship on those people with debt on their land located within those boundaries because they have not been able to either develop the land or sell the land to meet their obligations. Since 1986 the county assessor has increased the value of the land up to 6 and 700 percent to where the property taxes are out of sight.

Volcano Cliffs Property Owners Association supports the establishment of a National Petroglyph Monument, even though some members are adamantly against it. It is a tough sacrifice to loose the best view lots in the whole City of Albuquerque.

We do have concerns and problems about the timetable for acquisition of property. We do not feel it is reasonable and fair to expect the property owners to wait for an extended period of time to get payment for their property. The City of Albuquerque has its means of funding in place. The State of New Mexico has passed legislation to provide their funding. The funding for the U.S. Government to acquire their share of the properties should be a very important objective of this bill.

Since 1964 the City of Albuquerque has not seen the need to consider the requests of the property owners for zoning and utilities so the balance of the Volcano Cliffs Subdivision can be readily developed. We feel we are due concessions and amenities in getting development under way as a way of restitution for having to give up these spacial lots. The city needs to give us suitable zoning for Units 3 and 7 below the escarpment and include the areas above the escarpment in their capital improvement program by the year 1992. We think 25 years is long enough to wait for help from the City of Albuquerque. We want to develop our properties at the earliest opportunity. We would appreciate your help in making our dreams come true.

This completes my testimony. I will be happy to answer any questions.

Senator BINGAMAN. Thank you very much for that testimony.

Let me be sure; we had Coda Roberson scheduled as a witness, and he is not here. Am I correct? I do not want anybody to be sitting in the audience thinking that their time is still to come on this testimony.

I will ask one question, if I could, of Mr. Candelaria: In your statement, as I understand it, you suggest that if we went forward with this conservation easement, that the Park Service would purchase the conservation easement and Westland would retain the right to develop oil, gas and minerals and geothermal rights provided that there is no surface disturbance of the land.

Mr. CANDELARIA. That is correct.

Senator BINGAMAN. How does that occur? I just do not know how you develop oil and gas and minerals without disturbing the surface.

Mr. CANDELARIA. Primarily this is done with off-site slant drilling. Although, quite frankly, at this point I do not think—it has been fairly extensively explored by Shell Oil Company, and, however, you can do slant drilling, and also apparently the oil gathers in fairly large pools where you can pump it up at one place and you do not have to go directly to the site. In other words, what we are saying is that we would like to retain the underlying oil and gas and minerals but not disturb the surface at all, and this is accomplished by slant drilling.

Senator BINGAMAN. I will go ahead and defer to my colleagues to ask some questions.

Senator Domenici.

Senator DOMENICI. Mr. Chairman, let me just do two things, and then ask Atrisco representatives a couple of questions.

First, let me say to Skip and Neal, thank you very much for all the help you were to us as part of the property owners group, property owners and other interest groups. I really believe you are entitled to be thanked, and your patience has been beyond what I would have expected; and to you, Neal, the same. Obviously we cannot pass judgment on when the city ought to furnish utilities, but clearly you have sacrificed. And in the interest of trying to make some preservation commitments, the city has indeed used whatever tools they had, and I compliment them for it. I understand in the meantime it has been hard on some people who would like to proceed with development.

Because we have been genuinely interested and concerned and because the cost is very important to us, you will note some very significant boundary changes as they affect Volcano Cliffs. I am not sure if everybody knows that, that very narrow piece, this, this and these were much bigger when we first started. As a consequence many more of those property owners that you were referring to were being envisioned for acquisition. We should proceed with dispatch or quit. I assume we are going to proceed with as much dispatch as possible.

From the standpoint of a number of those who participated, not only are you willing to contribute some land, which we have already thanked you for, but I understand the city is going to begin to work in an effort to make some of the zoning and building current restrictions more palatable. They were made more from the standpoint of trying to protect than they were for development at that point, and I guess, am I not right, there are going to be some changes made in the near future?

Mr. WEEKS. Mr. Chairman, Senator Domenici, that is correct. We are also proceeding posthaste with trying to get our option agreements in place with those landowners in the Federal acquisition area that had been holding off.

Senator DOMENICI. Right. I have been asked to have you identify yourself for the record.

Mr. WEEKS. Mr. Chairman, I am Dan Weeks and I am with the City of Albuquerque.

Senator DOMENICI. Having said that, let me say to the Town of Atrisco people, if I understand you correctly, you are representing the corporation which in turn, if I understand the incorporation correctly, other than some litigation with reference to the impropriety of some shareholder transactions, you contend for our committee that there is no question about the legal authority for the corporation to negotiate with the Federal Government; is that correct?

Mr. CANDELARIA. Mr. Chairman, Senator Domenici, that is correct.

Senator DOMENICI. We have a few problems that you have to try to understand with us. If this is a national monument, there are certain national criteria that I am not quite sure we are going to be able to violate even in our negotiations. For instance, while most public domain land has multiple use concept, which includes grazing, national parks do not; national monuments do not. So one of the notions that you have of the maintenance of a use, grazing, is not permitted. I am not suggesting that is irreconcilable, but it is not a use. Oil and gas drilling the Chairman asked about is not permissible, but you have explained that.

In terms of the conservation easement, if I understand you correctly, it is essentially that you do not want, first of all, to depart with the title, fee simple title.

Mr. CANDELARIA. That is correct.

Senator DOMENICI. You would like us to find a way to leave that vestige of your history with the corporation in the name of the heirs if we can, and yet accomplish the perpetuity relationship with the National Monument and its purposes. Is that essentially what we are talking about, Jaime?

Mr. CHAVEZ. That it is basically it.

Senator DOMENICI. This is aside from the cultural centers and others which are more specific items.

Mr. CHAVEZ. We are talking about the nonalienation of the land and not selling in fee simple, and using the conservation easement as an instrument for preservation.

Senator DOMENICI. Speaking as one member of the committee of the Senate and the original sponsor of this legislation, I want to leave today saying that I hope both the majority and minority in the Senate will charge our very best, professional staff with understanding the historic significance of the relationship of the people of Atrisco to the land. And with that understanding to give us their best legal advice as to how this may or may not be achieved, working with the experts in the Park Service.

I think we ought to be very forthright in sharing that information regularly with everyone, Mr. Chairman, before we arrive at any conclusions. It may very well be that it is not possible. On the other hand, we ought to be working with you, and I hope it is possible. I think we have as good a staff on these issues as there are around. I think the House Interior has maintained professional-type staff, so we are not talking about Johnny-come-latelies. We have some very, very good people who have been at it a long time, and we have some experts in the Park Service and obviously the Interior will have solicitors and lawyers look at it.

I can only say to you that we want to do our very best to acquire what we need, rather than talking about the technical languages. What we need to accomplish the goals and assure the people of the country that if we pay for that, they have what they paid for and it would not be contested successfully later on; nor with the changing of times and attitudes that there would be a change in what we thought we bought as we develop this on behalf of the public.

I share with the president of the Sierra Club that was here that said Atrisco people should also know this is not alienation in the sense of selling to a private developer. In a sense there is a very close tie. This is the public. My own impression is that before we are finished, the culture of the Atrisco heirs as encapsulated in the Hispanic history is going to be part of this entire experience for people. That does not mean it is exclusively Atrisco's, but in a sense I think there is going to be a great relationship. So I think even that is slightly different than if we were coming up here condemning this land for a Federal highway and saying good-bye. I think it is different.

Thank you very much.

Mr. CHAVEZ. Mr. Chairman, Senator, we are in agreement with the basic philosophy and significance of a monument with this potential stature. We think it is an opportunity for the land grant heirs to have a more direct hand in the actual development and the management aspect, and we are very concerned because of the conditions, as you well know, Senator, of poverty in the local south valley community; that this would offer a definite opportunity for economic involvement within the area as well.

Senator BINGAMAN. Thank you very much.

Congressman RICHARDSON.

Mr. RICHARDSON. Thank you, Mr. Chairman. I would just like to say to Mr. Wiggans and Mr. Buchanan that your statement has been, I think, one of remarkable graciousness under the circumstances, especially with the Volcano Cliffs. I understand there was quite a bit of opposition, probably still is, to the whole concept. And the financial constraints that your entity—you are separate entities; correct? Your 109 acres are not the same as the——

Mr. WIGGANS. No. In fact, they are about 7 miles apart.

Mr. RICHARDSON. Are there any other property owners that are involved in this?

Senator BINGAMAN. As I said at the first of the hearing, we are glad to leave the record of this hearing open for another two weeks for any additional statements anyone wants to submit, any landowners or anyone else who has a point of view that they believe needs to be considered by the committee.

Mr. WIGGANS. May I make one additional statement?

Senator BINGAMAN. Certainly.

Mr. WIGGANS. I am continually called from landowners in nearly—well, in Germany, all over the United States, about the land, and it is hard to advise those people what is going on; and we need action and we need it as quickly as you can give it to us.

Senator DOMENICI. You got it.

Senator BINGAMAN. I understand that.

Yes, Mr. Buchanan. did you want to make another statement?

Mr. BUCHANAN. Yes. I continually get called from the bank. [Laughter.]

Mr. RICHARDSON. I did want to state for the record to Mr. Chavez and to Mr. Candelaria, let me just at the outset say that from the last hearing to your testimony now I think the entities that you represent have come a long way. And I must say that just from the testimony at this hearing, I would share the Senator's advise that we should look at what is the situation so we can incorporate you into this management plan. Maybe the conservation easement is the way to go. I would have to probably reserve final judgment, but I would say I would lean in that direction to insure that the Atrisco Land Grant heirs—I know you have been involved in this land grant issue, and I am personally most sympathetic. Your government never gives you an answer about the title to your land. I think you deserve that.

I just want to stress and make one thing very clear, and that is that I would hope that if it does become a conservation easement, that there be a plan where the Atrisco Land Grant heirs demonstrate how you will involve yourself in the protection of the petroglyphs. It is not just the erection of cultural centers. I think it may be what Mr. Eastvold talked about. I do not know how many of the heirs were out there on the 15th collecting the garbage. I am not saying that is what you ought to do. I think one of the elements here that we missed is the contribution of the Hispanic and Native American peoples to this culture; not just the protection, but the historical record. I would hope that there is a plan that you have to make this a reality.

Thank you, Mr. Chairman.

Senator BINGAMAN. Thank you very much.

Congressman Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. I would just like to make one observation: Of all the panels we have heard today, I am most grateful that you put this panel on the schedule. The reason for that very simply is that all of the previous panels told us what we wanted to hear. We are all in favor of the Petroglyph National Monument. Every other panel was in favor of the Petroglyph National Monument without reservation. We had a great love fest.

Although they are not testifying against it, of course, they remind us of other considerations. There are people with lawful private interests involved that we have to do our best to work with.

As the sponsor on the House side of the Senate bill, I will offer you my best in that direction, also.

Senator BINGAMAN. Thank you very much.

Again, if there are additional statements that individuals want to have included and brought to our attention, please submit those to us in the next two weeks. Those can either be sent to the Senate Energy and Natural Resources Committee, to Senator Domenici's office or my office.

I would just like to conclude the hearing by again thanking all the witnesses and thanking the staff of the Senate Energy and Natural Resources Committee; Tom Williams, Frank Cushing and David Brooks, who came out from Washington to help organize this hearing.

We hope we can use the information that we have received here to move forward with a proposal that meets the needs of everybody concerned.

Thank you.

[Whereupon, at 4:50 p.m., the hearing was adjourned.]

APPENDIX

Additional Material Submitted for the Record

AAUW
American Association of University Women

J219
7303 Montgomery BLVD Ne
Albuquerque, NM 87109
April 28, 1989

Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources

RE: Support of S.286, Bill to establish the Petroglyph National Monument in the State of New Mexico.

The Albuquerque Branch, American Association of University Women reiterates its continuing support for passage of this bill. Preservation of the extremely unique cultural and historical significance of the 17 miles of escarpment with its thousands of petroglyphs is essential. Where else can petroglyphs be found in such concentration and preservation, the latter being consistently eroded by humans with little concern for their heritage. Establishment of the Monument would also be economically beneficial to Albuquerque and the entire state of New Mexico through tourism and its side benefits. As a focus for world-wide attention, investigation of other attractions - natural and man-made - throughout the area would follow. If the Smithsonian Institute is considering tours it sponsors in this state to include Albuquerque because of the petroglyphs, won't others follow? The opportunity for research and education is invaluable now, and in the future.

Already, in the years this concept has been growing and proceeding forward, groups, organizations, and a wide variety of persons, professionals, city administration, etc have banded together to achieve declaration of a Monument, a "monumental" feat in view of the disparaty of their interests, backgrounds, and concerns!

Sincerely yours,
Jean M Hansen
(Mrs) Jean M Hansen
President, Albuquerque Branch

Jean M Hansen

Field Hearing Albuquerque N.M. 4/28/89

FRIENDS OF THE ALBUQUERQUE PETROGLYPHS (FOTAP)
PO BOX 75277, ALBUQUERQUE, NEW MEXICO 87194

May 11, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Addendum to Testimony on S. 286

Honorable Chairman Bumpers and Members of the Subcommittee:

Several issues were raised during you recent field hearing in Albuquerque which the FOTAP wishes to address for the record: the use of a conservation easement to acquire Westland's property, the boundaries of the Monument, and whether all three Units should be legislatively included in the Monument.

I. USE OF A CONSERVATION EASEMENT TO ACQUIRE WESTLAND'S PROPERTY

We would strongly oppose the terms and conditions of the conservation easement proposed to the Subcommittee by Westland Acting President, Al Candalaria. The FOTAP had understood that discussion of an easement was in the context of preserving the mere face of title to the land for the sake of the heritage of land grant heirs. Westland's proposal, however, goes far beyond this to include grazing cattle, retention of all subsurface rights, construction of a cultural center on Monument property, and the unsettling suggestion of undefined "other possible uses." For all these concessions, plus garnering open space credits from the City of Albuquerque for land acquired by the Federal government, Westland testified there might be a "5-10 per cent" difference from the cost of fee simple acquisition.

Reserving subsurface mineral, oil and gas, water, and geothermal rights would violate the present Section 3(a) portion of S. 286 which requires acquisition of these rights. And it is hard to understand how Westland would access these rights without either disturbing the surface, or creating unsightly slant-drilling rigs around the periphery of the Monument.

The land area of the Monument is presently so constrained, particularly around the base of the escarpment, that usurping the precious land base for cattle grazing with its associated range support facilities is an absurd condition. Westland maintains grazing would help them maintain their favorable "greenbelt" property tax status. Page 29 of the report of the Advisory Committee for the Establishment of a Petroglyph National Monument stated that: "The Westland owned land in this area (southernmost portion of the escarpment) is considered greenbelt and so taxed minimally. Five sample parcels in the area totalling 2000 acres were taxed the amount of $72." Westland evidently gets this tax break even though their land remains unfenced along most of its eastern perimeter at Unser Blvd, 98th Street, and the escarpment. We have not seen cattle using this southern area. How could they if it is unfenced? And yet Westland evidently is taxed at the "greenbelt" rate, and wants to re-introduce cattle to guarantee continuation of this tax break. Although they are taxed as if this were undeveloped rangeland, they want to charge the Federal government full development appraised values for acquisition, and then only sell a highly-conditioned conservation easement. This is certainly a good deal for Westland, but a very poor one for the Federal government and the resources of the proposed Petroglyph National Monument.

Finally, the history of the Atrisco Land Grant will be showcased in the Park Service Visitor Center as a secondary interpretive theme of interest to the hundreds of thousands of visitors who will come to see primarily the rock art. There is no need for a separate "cultural center" as proposed by Westland. This would compete for the visitor's limited time. And who would build and operate this center? Is Westland proposing dual management of interpretive facilities? Once again, this proposal is counterproductive.

These easement conditions underscore how poorly Westland understands the quality necessary for establishment of a new unit of the National Park System. What they are proposing is a degraded, compromised arrangement that, at best, might function as some kind of local attraction, but not as a unit of the Park System. Monies from the Federal Land and Water Conservation Fund are scarce, and other states fiercely compete to get these monies for new park units. Westland's proposal would very probably put Petroglyph National Monument out of the running for competition for funding. Their proposal last year to build golf course greens up to the escarpment, and allow National Monument visitors to see the petroglyphs by special arrangement was equally insensitive to the need for quality in a new National Park Unit. (cf. Exhibits #1-2 on Westland easement)

II. THE BOUNDARIES OF THE MONUMENT

The present legislative boundaries are the result of extensive compromise by members of the Advisory Committee for the Establishment of a Petroglyph National Monument. The land at the base of the escarpment is especially constrained, and may make administration and construction of necessary facilities very difficult for the 400,000 visitors per year projected for the first year of operation. Increases in visitation will only intensify this limited land base problem. Cutting more land from the Monument at this stage of the proceedings is indeed penny-wise and pound-foolish, and we recommend strongly against it. The mesa and volcanoes are part of the archeological site complex and topography which give the petroglyph-rich escarpment its definition and environmental setting, and are also of the lowest development potential because of the solid basalt.

III. INCLUDING ALL THREE UNITS WITHIN THE LEGISLATIVE BOUNDARIES

We recommend including all 7200 acres in the Atrisco, Boca Negra, and Piedras Marcadas Units within the legislative boundaries. The City and State commitments are firm, and they are actively moving to fulfill their roles for Petroglyph National Monument. There is no longer any reason to take a cautious, wait-and-see stance as is done in Section 2(a) 1-3.

Sincerely yours,
Isaac C. Eastvold, President Isaac C. Eastvold

FOTAP Testimony, Exhibit #1

ALBUQUERQUE JOURNAL Saturday, January 21, 1989

Westland President Liable for $137,000

By Mark Lewis

JOURNAL CORRESPONDENT

A six-member jury found Westland Development Co. President Gil Cordova liable for $137,000 in damages for stock purchases he made from three former Westland shareholders, who accused him of securities fraud and racketeering in federal civil lawsuits.

The three, Adela Baros, Candido Garcia and Teresa Ruiz, who represents her late mother, Fedelina Munoz, alleged Cordova withheld information about the company when buying their shares at below-market value.

The suits were consolidated for trial before U.S. District Judge John Conway and the verdict was returned just before noon Friday after the jury deliberated for 10 hours over two days.

Cordova had no comment. He had maintained he disclosed all information required by law before buying the stock and had made the purchases primarily to help the stockholders, who were having financial problems.

His attorney, Ron Segel, said he would "be filing motions to set aside the verdict."

Westland is a corporation created by the state Legislature in 1967 to manage the remaining portion of the Atrisco land grant, which is now about 49,000 acres on Albuquerque's West Side.

The civil lawsuits accused Cordova of racketeering and two types of fraud.

The jury found in all three cases

MORE: See WESTLAND on PAGE A2

Westland President Liable for $137,000 Damages

CONTINUED FROM PAGE A1

that Cordova didn't commit common law fraud, which requires "clear and convincing evidence" of guilt.

However, in all three cases he was found liable under federal Securities and Exchange Commission rules that prohibit fraud in connection with the purchase of securities and require a "preponderance" of evidence.

Cordova was found liable for racketeering in two of the three cases under a federal law. The plaintiffs alleged Cordova committed racketeering by engaging in a pattern of fraud and involving members of his family, who received some of the stock purchased.

He was cleared of racketeering in the Baros suit.

The jury awarded Garcia $15,240 in compensatory damages and $25,000 in punitive damages. Ruiz was awarded $31,453 compensatory damages and $20,000 punitive, and Baros $10,279 compensatory damages and $35,000 punitive.

"We're very happy about the verdict," said John Baugh, attorney for the plaintiffs. "This is a message to everyone who sits on a board of directors and purchases stock from its shareholders."

Cordova's costs may be covered by an policy listed in a Westland proxy statement dated Aug. 12, 1988.

"The company has agreed to indemnify Mr. Cordova for the costs and expenses of defending four securities fraud lawsuits recently brought against him and lawsuits which may be brought in the future on substantially the same grounds, as to which Mr. Cordova confirms that he did not commit the alleged wrongful acts or omissions," it says.

However, a June 10, 1988, letter from Westland attorneys to Gov. Garrey Carruthers indicates Cordova may be personally liable.

Gil Cordova
No comment

"Westland indemnifies Mr. Cordova only against costs and expenses of defending the lawsuits, not against any possible judgments or penalties. If in any suit a court imposes punitive damages on Mr Cordova, he must reimburse Westland for all indemnification paid with respect to that suit."

"The board of directors has yet to decide the effects of indemnification in light of the jury verdict," said Westland spokesman Julie Clausen.

One central question of the case was establishing the value of a share of Westland stock, which isn't traded publicly. University of New Mexico finance professor Dwight Grant testified this fact might tend to depress the market price of the stock, which can only be bought by Atrisco Land Grant heirs.

Testimony from several appraisers and an accountant estimated that Westland stock was worth $113 a share, based on the value of the company's assets.

However, the market value is now around $10 a share — partly because of the restriction on who can own the stock.

Cordova paid Garcia $6 a share for 635 shares and Munoz received almost $8.15 a share for 1,473 shares.

Baros claims Cordova paid her $5 for each of her 403 shares, plus $200. Cordova testified he paid her $9.13 a share.

Plaintiffs introduced a 1986 financial statement in which Cordova listed his assets as including 23,000 shares of Westland stock worth $2.3 million, or $100 a share.

In addition to his troubles in court, Cordova is the target of a petition drive launched by some heirs to the land grant demanding his resignation from Westland, according to Jaime Chavez, of the Atrisco Land Rights Council, an advocacy group for the heirs.

He said the drive started before the trial.

Chavez said he thinks those signing the petition are dissatisfied with Cordova's leadership and believe he has abused his corporate privileges.

A second petition calls for a grand jury investigation of the Westland board of directors regarding company operations, Chavez said.

The council has been a longtime critic of Westland management, urging a development policy that would provide lasting benefits for the heirs.

Meetings are planned next week with heirs and stockholders to discuss Westland's future, Chavez said. One will be in Albuquerque Jan. 28, and the other in Rosemead, Calif., near Los Angeles, the following day. Many of the company's 4,500 shareholders live on the West Coast.

Journal staff writer Michael Hartranft contributed to this report.

FOTAP Testimony, Exhibit #2

METROPOLITAN

Friday, February 3, 1989 Albuquerque Journal • • Page 3, Section B

Westland Development Co. Fires President

By Michael Hartranft

JOURNAL STAFF WRITER

Westland Development Co. President Gil Cordova was fired Thursday on the heels of a recent jury verdict holding him liable for damages in civil lawsuits over securities fraud and racketeering.

Vice President Alberto Candelaria, who has been the company's director of operations since 1975, will perform the duties of president while keeping his old position, a company statement said.

The decision to oust Cordova, the company's chief officer since 1982, was reached at a special meeting of the board of directors, Westland spokeswoman Julie Clausen said.

Efforts to reach Cordova, who has an unlisted phone number, were unsuccessful Thursday. He left the Westland office before his firing was made public.

On. Jan. 20, Cordova was found liable by a federal District Court jury for money damages in suits filed by three former shareholders over his purchases of Westland stock from them or their relatives. The damages amounted to about $230,000, according to Clausen.

While Cordova's attorney has indicated motions will be filed to overturn the verdict, the company statement said, "Westland's directors felt that their action was necessary to preserve Westland's reputation."

Clausen said the move was not related to a petition drive by the Atrisco Land Rights Council demanding Cordova's resignation. The council represents some of the heirs to the Atrisco Land Grant, which was converted to Westland under a law passed in 1967. Stock ownership is generally restricted to land grant heirs.

The company will pay no legal fees for Cordova beyond Thursday, Clausen said. She said how much the company has spent is not public information.

Cordova, who was earning over $82,000 a year according to a proxy statement prepared for an annual meeting last year, will not receive severance pay, Clausen said.

The board agreed that Cordova can reapply for his job if the Jan. 20 judgment is reversed, she said. He will remain a Westland board member since directors can be removed only by shareholders.

Candelaria takes on the president's duties just days after a former shareholder sued him alleging securities law violations.

Lela Klohn Hubbell claimed in a federal suit filed Monday that Candelaria wrongly withheld information from her when he purchased her Westland stock in 1984.

Through Clausen, Candelaria declined comment on the suit.

The company envisions no other staff changes, Clausen said. She said it intends to move on with development plans, which include a travel mall near Unser Boulevard and I-40, and a golf course/resort project.

Atrisco Land Rights Council President Herman Romero claimed the firing indirectly resulted from the council's push for accountability by Westland's management.

"A lot of these lawsuits would not have come down," he said. "The people are getting confident they are the owners of the land."

ALBUQUERQUE JOURNAL Sunday, January 29, 1989

Land Grant Heirs Back Westland Ouster

By Michael Hartranft

JOURNAL STAFF WRITER

A drive to oust Westland Development Co. President Gil Cordova and the company's board of directors picked up momentum Saturday, with a near unanimous show of support at a meeting for Atrisco Land Grant heirs.

"I think we were able to evoke the will of the people," said Jaime Chavez, executive director of the Atrisco Land Rights Council, which organized the meeting at the Holy Family Catholic Church Parish Hall in Albuquerque's South Valley.

Cordova, who was in the audience, was given 10 minutes to answer questions. However, he did not have the chance to respond to the call for his resignation later in the meeting.

Those at the meeting also voted, by a show of hands, to support the council's call for a moratorium on Westland development until heirs are more involved in its planning. They also agreed with the council that Westland should not be responsible for paying any costs of lawsuits brought against Cordova.

Asked about the legal fees, Cordova confirmed that Westland plans to pay his legal fees. He also said that decision was made by the Westland board.

An 11-member committee, nominated by the group Saturday, will report on further action by Feb. 25.

About 200 people attended the session, called to discuss the future of Westland. Westland controls about 49,000 acres of West Mesa land, which is what remains of the original Atrisco grant.

Westland is owned by 4,500 shareholders, decided by court proceedings in the early 1970s. They generally are grant heirs.

The land rights council claims to represent many heirs, including thousands who do not own stock.

Funded by the Catholic Church, the council has focused on Westland management for several years.

It has criticized Westland's corporate structure and policies for selling the land, the company's main asset.

People at Saturday's meeting appeared to back the council's criticism.

"We've lost complete control of our land grant," said Ralph Chavez. "My first question is how do we get it back."

Other people asked about Westland's financial status. Others wondered why more heirs weren't employed by Westland.

Mike Vargon, of the state Securities Division, told the group that Westland's $16 million debt far exceeded its 1988 revenues.

He also said the company's $446,000 in legal fees last year equaled two-thirds of the company's last dividend to stockholders, at 80 cents a share. Most of the legal fees sprang from suits brought against Westland by shareholders.

"If we keep fighting each other, all our money is going to go to the courts," one man said.

Vargon, who served on a governor's task force that examined Westland last year, said his agency still is investigating the company's conformity with securities law. He declined further comment.

Cordova's appearance came a week after a federal court found him liable for $137,000 in damages in a securities fraud civil suit brought by three former shareholders. Because he hopes to have the verdict set aside, Cordova declined to discuss the issue.

Shareholder Sues Westland Officer

A former Westland Development Co. shareholder has filed a federal suit against company officer Alberto Candelaria, claiming he violated federal and state securities laws when he purchased stock from her in 1984.

League Of Women Voters Albuquerque / Bernalillo County

5909 Mahogony Place, NE
Albuquerque, NM 87110
April 20, 1989

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks
and Forests
364 Dirksen Senate Office Building
Washington, DC 10510

Re: Field Hearing on S286, Petroglyph National Monument Establishment Act of 1989--Albuquerque, NM, April 28, 1989.

Dear Senator Bumpers and Members of the Subcommittee:

The League of Women Voters of Albuquerque/Bernalillo County wishes to go on record in support of passage of S286, the Petroglyph National Monument Establishment Act of 1989. We have worked for several years to support preservation of the petroglyphs: first in Albuquerque for the 1/4-cent Gross Receipts Tax which is being used to raise $14 million, the past two years in Santa Fe to encourage the State Legislature to commit $6 million towards land acquisition, and now in support of our senators, Jeff Bingamen and Pete Domenici, and their efforts to preserve the petroglyphs from destruction.

The 15,000 to 17,000 rock carvings which line the 17-mile long lava escarpment on the West Mesa of Albuquerque represent a unique and fascinating record of the early inhabitants of this continent--those who lived before Europeans and the United States of America arrived. Tied to the line of volcanic cones to the West from which the lava flowed, they represent a story of early man which Americans of all cultural backgrounds quickly recognize as a part of the nation's history and cultural heritage. They will become a treasured stop for Americans and people from all over the world who travel to discover the richness and diversity of our country and the American Southwest.

Through the National Park Service's Masau Trail the cultural importance of the petroglyphs will be linked to other sites of geology, such as the extensive lava flows at El Malpais, and of the sites where early man lived, eg. the Gila Cliff Dwellings, Pecos ruins, Chaco Canyon, and Bandelier National Monument. All travelers who journey over the Masau Trail will receive a fascinating combination of vacation and education about the roots of early man.

The area of the volcanos and escarpment lies at the center of early man in North America. Paleo-Indian People are known to have inhabited the mesa to the west many thousands of years ago. Adjacent to the escarpment near the cottonwood-lined bosque of the Rio Grande is a very large unexcavated pueblo which was occupied during the time when most of the Rio Grande style petroglyphs were made, approximately 1300AD - 1550AD. In addition, there are ancient Anasazi [illegible] farming terraces and remains of Spanish Colonial period sheep corrals in the southern portion of the escarpment.

This extraordinary cultural treasure is now owned by private individuals, many of whom plan extensive housing developments in and around the rocks themselves. As the urban area has grown, there is increasing vandalism. The integrity of the petroglyphs will soon be lost without public protection. A national monument will not only protect this enormous collection of rock art, but will allow visitors or all ages and physical abilities to see them.

We in the League support the three-way cooperation of City, State and Federal government working together to preserve an historic treasure. We strongly urge passage of S286 and establishment of the Petroglyph National Monument.

Sincerely yours,

Alice Mehlberg

Alice Mehlberg,
President

THE LEAGUE
OF WOMEN VOTERS
OF THE UNITED STATES

LWV

NANCY M. NEUMAN
President

April 27, 1989

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Environment and Public Works Committee
364 Dirsken Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

It is my understanding that your subcommittee will be holding hearings this week in Albuquerque, New Mexico on S 286, the Petroglyph National Monument Establishment Act of 1989.

At the League of Women Voters' National Convention in June of 1988, over 1,200 delegates agreed to a motion to support passage of the legislation in the United States Congress to designate the volcanic escarpment of the West Mesa of Albuquerque, New Mexico as Petroglyph National Monument.

We join with the League of Women Voters of Albuquerque/Bernillo County and the League of Women Voters of New Mexico to urge your strong support for swift action in passing the Petroglyph National Monument Establishment Act of 1989.

Sincerely yours,

Nancy M. Neuman

Nancy M. Neuman
President

NN/bl

1730 M STREET, NW, WASHINGTON, DC 20036 202 • 429 • 1965

LEAGUE OF WOMEN VOTERS OF NEW MEXICO

April 15, 1989

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
Washington, D. C. 20510

Re: S286, Petroglyph National Monument Establishment Act of 1989
For the record of the Field Hearing in Albuquerque, N.M.,
April 28, 1989.

Dear Senator Bumpers:

As President of the League of Women Voters of New Mexico, I am delighted that you are holding a Senate Field Hearing regarding S286, the Petroglyph National Monument establishment Act of 1989. I join the League of Women Voters of the United States in urging support of S286.

League members from New Mexico were privileged to take the petroglyph preservation issue to our National Convention in Denver in June, 1988. The response from the more than 1,200 delegates with whom we talked individually was enthusiastic and overwhelmingly supportive. The Convention unanimously adopted a motion "...that the 1988 League of Women Voters of the United States support passage of the legislation in the United States Congress to designate the volcanic escarpment of the West Mesa of Albuquerque, N.M. as Petroglyph National Monument..."

The petroglyphs etched in the lava of the West Mesa Escarpment are a magnificent visual account of the inhabitants of the Rio Grande area of the Southwest from prehistoric times until the modern era. The easy access which would be afforded by a national monument would allow thousands of our citizens to enjoy an extraordinary monument to our past. This 15,000-plus collection of ceremonial rock art is truly an historic treasure for all Americans.

Closer to home we have just successfully concluded support at the New Mexico legislative session in Santa Fe, reesulting in a full commitment of $6 million funding from the State to purchase petroglyph escarpment land.

I urge your support of S286 to preserve a valuable historic and cultural resource that is in imminent danger of destruction.

Yours truly,

Mary Culpepper

Mary Culpepper,
President

440 CERRILLOS ROAD • SANTA FE, NEW MEXICO 87501 • (505) 982-9766

National Audubon Society

NATIONAL CAPITAL OFFICE 801 PENNSYLVANIA AVENUE, S.E. WASHINGTON, D.C. 20003 (202) 547-9009

May 10, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
U.S. Senate
Washington, D.C. 20510

Dear Chairman Bumpers and Members of the Subcommittee:

On behalf of the National Audubon Society, I welcome this opportunity to provide comments on S. 286, the Petroglyphs National Monument Act of 1989. Please include these comments in the record of the Subcommittee's hearing that was held in Albuquerque on April 28, 1989.

The West Mesa Petroglyph area is of great significance culturally and educationally for the residents of Albuquerque and the entire United States. It is a beautiful and unique place that is certainly worthy of lasting protection by the National Park Service. The National Audubon Society strongly supports the establishment of the Petroglyph National Monument.

Presently, our main concern is the proposed use of conservation easements instead of fee acquisition for the protection of the monument. It is true that conservation easements are effective in protecting some resources, such as establishing scenic buffers around waterways or restricting the density of development near scenic areas. Yet we feel that this type of limited protection is inadequate for the federal portion of the Petroglyphs, which is the core area of the proposed National Monument. The West Mesa Petroglyph area is a rare and fragile treasure to our nation and the National Audubon Society feels it merits the full status of a National Monument. In order to achieve this, the National Park Service must have full ownership of the land and full authority to protect and manage the cultural and natural resources to standards established by Congress for our national parks and monuments. Therefore, we strongly oppose the use of conservation easements in this place and in this situation because they would subject the land to conflicting interests for its use and would provide inadequate protection.

We strongly support Congressman Richardson's proposed amendment for a Rock Art Research Center. Not only is the Petroglyph area significant in its aesthetic value, it is also an incredibly rich source of cultural information about the prehistoric and historic Pueblo Indians. The importance of a Rock Art

Research Center cannot be stressed enough--it will fulfill one of the fundamental purposes of the monument.

Time is slipping away quickly, and action must be taken now to preserve this wonderful treasure. The National Audubon Society hopes that Congress will be able to pass this legislation this year, thereby preserving the West Mesa Petroglyphs for generations to come.

Thank you, Mr. Chairman.

Sincerely,

Brock Evans

Brock Evans
Vice President of National Issues

0107j

National Trust for Historic Preservation

May 25, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Room 364, Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

Re: Petroglyphs National Monument Act of 1989

Dear Chairman Bumpers,

On behalf of the trustees and more than 225,000 members of the National Trust for Historic Preservation, I am writing in support of S.286, the Petroglyphs National Monument Act of 1989. I hope you will be able to include this letter in the record of the Subcommittee's hearing that was held in Albuquerque on April 28, 1989.

The National Trust has long been concerned about the status of the West Mesa Petroglyphs. When we compiled our first list of the nation's most endangered historic places last year, it was clear that, because the site is especially historic and especially threatened by development, the West Mesa Petroglyphs deserved a place on that list of eleven. We hoped that, by identifying the site as endangered, we could increase public awareness of the urgency of the saving the West Mesa Petroglyphs. Our staff has personally visited this important site, and we have given serious thought to the complex issues presented by its preservation.

The legislation you are now considering would be a solution to the problem facing the petroglyphs. The establishment of Petroglyphs National Monument would protect this site, which offers a look so far back into our cultural origins. But protection is only part of the solution. Long-term management of the site in the public interest, including educational program development, is the only guarantee that visitors to the petroglyphs decades from now can take away with them a deeper understanding of America's past and its natural and cultural treasures.

The National Trust often advocates the appropriate use of conservation and preservation easements to protect certain features of historic properties. There are many situations, however, in which easements are not desirable and where protection through fee acquisition is preferred. In our view, the protection needs of the West Mesa Petroglyphs would not be

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Washington, D.C. 20036
(202) 673-4000

fulfilled through the acquisition and use of conservation easements, for a number of reasons.

First, New Mexico lacks specific conservation easement legislation. Consequently, even though restrictive covenants may provide a certain level of protection, such covenants are treated merely as personal contracts under New Mexico law, and they may be deemed unenforceable against subsequent owners of the property. It may be possible to nullify the effect of any covenants through a conveyance of the underlying fee interest. Obviously, this would create a serious risk that could threaten effective management of the property.

The current ownership of the property by a corporation with thousands of shareholders presents an additional factor that would make management of the property highly impractical if acquisition is limited to an easement. The easement would create a secondary level of management that would complicate ownership and use rights that are already extremely complex. It is reasonable to foresee that many individual shareholders would oppose the sale of an easement, yet they would retain use and access rights after the sale. Consequently, many of the property's user-shareholders would, in effect, be hostile to the management of the easement holding agency, and could easily undermine those management efforts. Enforcement of any easement restrictions would be vastly complicated by these overlapping and sometimes conflicting use and management rights. It would be virtually impossible to draft an easement document that would effectively protect against such a wide variety of unforeseen potential problems.

Our concerns about the effectiveness of a limited easement acquisition are shared by the New Mexico State Historic Preservation Officer, Thomas W. Merlan, whose views we highly respect. When the National Trust consulted with him on this issue, he expressed strong reservations about the effectiveness of an easement in protecting this unique site of sensitive cultural resources. Without fee ownership, in his view, it would be virtually impossible to administer a national monument.

Finally, it is important to remember that the acquisition of an easement would impose on the National Park Service perpetual obligations -- and expenses -- for monitoring and managing the property. It is easy to underestimate the extent to which easement acquisitions, like fee acquisitions, have long-term costs and management obligations. In fact, because of the probable complexity of the retained ownership and third-party use rights in this case, easement management costs for the petroglyphs may even substantially exceed ownership expenses. Consequently, it is likely that fee acquisition, although somewhat more expensive at the outset, will entail less long-term cost.

In sum, while all protection options for the West Mesa Petroglyphs should be explored, we believe that the acquisition of easements or covenants would be an inappropriate and less effective protection mechanism under the unique circumstances presented by this site. We urge you to reject any proposals that would preserve the West Mesa Petroglyphs with conservation easements in lieu of fee simple ownership. The West Mesa Petroglyphs deserve the kind of protection and appropriate interpretation that the bill as drafted would provide.

The National Trust for Historic Preservation urges you to report favorably on S.286 as drafted. I look forward to being able to announce that, because of Congress' action, the West Mesa Petroglyphs is no longer one of the nation's eleven most endangered historic places.

Sincerely,

Jack Walter

J. Jackson Walter
President

cc: Thomas W. Merlan, New Mexico SHPO
Rep. Bruce Vento
Rep. Bill Richardson
Rep. Steven Schiff
George T. Frampton, Wilderness Society
Paul Pritchard, National Parks & Conservation Association
Ike Eastvold, Friends of the Albuquerque Petroglyphs

PLAINS ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC.

Albuquerque Headquarters
2401 Aztec Road, NE, P.O. Box 6551
Albuquerque, New Mexico 87197
Phone (505) 884-1881

Escalante Generating Station
P.O. Box 577
Prewitt, New Mexico 87045
Phone (505) 876-2271

May 11, 1989

Honorable Pete Domenici
United States Senate
Room 434
Dirksen Office Building
Washington, DC 20510

Dear Senator Domenici:

Please accept the following written comments as part of the official record of the field hearing held in Albuquerque, NM on April 28, 1989, by the Senate Committee on Energy and Natural Resources (Sub-Committee on Public Lands, National Parks and Forests) with respect to the proposed creation of a Petroglyph National Monument.

Plains Electric Generation and Transmission (G&T) Cooperative owns and operates electric transmission facilities on and adjacent to those lands proposed to be included in Senate Bill 286 which seeks authorization for the Petroglyph National Monument. Those facilities include: West Mesa Substation in Town of Atrisco Land Grant near Unser Boulevard, portions of West Mesa/Grants, West Mesa/Socorro and West Mesa/Algodones 115kV transmission lines also in Town of Atrisco Land Grant and along section lines between Sections 3 & 4 T10N R2E; 33 & 34, 28 & 27, 21 & 22, all in T11N R2E.

The recently published "Albuquerque West Mesa Petroglyph Study" prepared by the National Park Service, makes reference (page 27) to the need for "coordinating with the utility companies" with respect to transmission facilities. However, neither the Study nor Senate Bill 286 indicate at what time or specifically how that coordination would be pursued or provided for.

We would respectfully suggest that a new subsection be written in Section 4 of the Act and which would read: "Nothing in this Act shall permit the revocation of any electric transmission rights-of-way or easements over and on any lands described in Section 2, or adjacent to any of those lands, nor prohibit the operation and maintenance of those facilities.

Further, Section 5 (a) of the legislation requires that a general management plan for the monument be submitted to the Senate Committee on Energy and Natural Resources which would "be consistent with the purposes of this Act", and which would include a description of the management of "scenic integrity".

Letter to Senator Pete Domenici
May 11, 1989
Page 2

Assuming that "scenic integrity" could include the treatment and disposition of future electric transmission and distribution facilities, Plains Electric G&T Cooperative respectfully requests that the Cooperative be afforded the opportunity to participate in the development of such a management plan as it relates to the handling of such facilities.

Plains Electric G&T Cooperative and the 13 member rural electric distribution cooperatives it serves in New Mexico and Arizona are naturally concerned about any decisions or actions which might serve to raise the basic cost of electricity to rural consumers already strapped with marginal economics.

We wish to thank you Senator Domenici, Chairman Dale Bumpers and the members of the Sub-Committee on Public Lands, National Parks and Forests for the opportunity to add our comments to the hearing record.

Very truly yours,

Stanley K. Bazant
Exec. Vice Pres./Gen. Mgr.

SKB:WC:paw

CC: Honorable Dale Bumpers, Chairman
Senate Sub-Committee on Public
Land, National Parks and Forests

PRESERVATION
Action

May 11, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks on Public Lands
364 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

RE: S. 286. The Petroglyphs National Monument Act of 1989

Dear Chairman Bumpers and Members of the Subcommittee:

On behalf of Preservation Action, I welcome this opportunity to provide comments on S. 286, the Petroglyphs National Monument Act of 1989. Please include these comments in the record of the Subcommittee's hearing that was held in Albuquerque on April 28, 1989.

The West Mesa Petroglyphs is an area of outstanding value for residents of Albuquerque and citizens throughout the country. This unique collection of rock art has national significance and is fully worthy of lasting protection by the National Park Service.

Preservation Action strongly supports the establishment of the Petroglyph National Monument. Time is critical if we are to save these sacred images for the inspiration of present and future generations. Encroaching suburban development, vandalism and theft are degrading both the cultural and natural resources of West Mesa. We urge the Congress to act quickly to establish the monument so that land acquisition and protection can begin before it is too late.

We have carefully reviewed recent proposals to preserve the West Mesa Petroglyphs with conservation easements instead of fee acquisition. While conservation easements provide an opportunity to protect resources in some cases, we feel that fee acquisition is preferable where nationally significant resources such as the West Mesa Petroglyphs are involved. We oppose the use of conservation easements to establish the federal core of the national monument and encourage the committee to explore the possibility of land trades or the use of Land and Water Conservation Funds in order to acquire fee title to the monument lands.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Nellie L. Longsworth

Nellie L. Longsworth
President

1350 Connecticut Avenue, N.W., Suite 401 Washington, D.C. 20036 202-659-0915

MAY 12 RECD

PNM PUBLIC SERVICE COMPANY OF NEW MEXICO
ALVARADO SQUARE ALBUQUERQUE, NEW MEXICO 87158

May 11, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

Subject: Petroglyph National Monument Establishment Act of 1989, S.286

Dear Mr. Chairman:

The Public Service Company of New Mexico (PNM) has reviewed the proposed legislation to create the Petroglyph National Monument in Albuquerque, New Mexico. We endorse the intent of the proposed legislation without reservation. This legislation is an important measure for the City of Albuquerque and a vital step in preserving an important historical legacy for the state of New Mexico and the United States.

The language establishing the monument in the proposed S.286 will affect electric transmission facilities that PNM has operated, maintained, and held legal easements and rights-of-way to for over 20 years. Those affects occur in four specific areas:

Area 1: Substation Southeast of Proposed Monument Boundary Adjacent to Unser Boulevard

This substation is within the Town of Atrisco Grant and is a major hub of PNM's power supply system. For purposes of system stability, reliability, and integrity, the location of this facility is essential to providing service to our customers and the state of New Mexico.

Area 2: City of Albuquerque Piedras Marcadas Unit

Within Township 11, Range 2E, Section 19, PNM owns and operates four transmission lines which traverse the subject area. PNM identifies those lines as KM 115 KV; WA 230 KV; FW 345 KV, and WN 345 KV.

Area 3: Exiting Boca Negra Park (City Open Space Area)

Within Township 11N, Range 2E, Section 32, 33, and 34, and within Township 10N, Range 2E, Section 3 and 4, the above identified transmission lines traverse the subject area.

Area 4: Eastern Slopes of the Marsh Peninsula

Within Township 11N, Range 2E, Section 34, PNM owns and operates two transmission lines which traverse the subject area. PNM identifies those lines as WR 115 KV and RW 115 KV.

We bring to your attention that the Congress recognized in 1978 that activities inconsistent with park service values cannot be authorized or supported by the Secretary "except as may have been or shall be directly and specifically provided by Congress." (16 USC Section 1a-1, 92 Statute 166).

In this light, PNM proposes the following language to Section 4 on page 6, line 11. We propose a new Section B to read as follows:

> "Recognition shall be accorded by the Secretary to those transmission facilities which are components of the region's power supply system. Nothing in this Act shall be construed as authorizing or requiring revocation of any existing interest or easement or prohibiting the operation and maintenance of existing facilities within or adjacent to the boundaries of the monument." Subsequent sections will require re-lettering.

PNM appreciates the opportunity provided to respond. The creation of the Petroglyph National Monument is a visionary and bold effort to protect a vital link to our past. PNM pledges its continued endorsement of the proposal and welcomes the opportunity to continue to work with all interested to bring this proposal to fruition.

Thomas Champion
Director, Governmental Affairs

TC/ko

cc: New Mexico Congressional Delegation

The Rio Grande Chapter of the Sierra Club
528 Vassar, SE
Albuquerque, NM 87106

May 11, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Land,
National Parks and Forests
Senate Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, DC 20510 ATTN: David Brooks, S. 286

Dear Senator Bumpers:

In light of testimony received at your April 28th field hearing in Albuquerque, New Mexico, the Sierra Club wishes to add the following recommendations to those I presented at that hearing.

First, the Sierra Club opposes the conservation easement as outlined by the Westland Development Co., Inc., for acquisition of their property. The terms and conditions of their proposal are, it seems to us, entirely self-serving, and show a lack of understanding for what a unit of the National Park System is about. In short, Westland would retain all subsurface rights, graze cattle, build their own competing cultural center on the Monument, and include "other possible uses" in the easement terms, as well. For these conditions, Westland says they might reduce the price "5 to 10 percent" from acquiring the land in fee simple.

Evidently Westland believes that grazing cattle would allow them to retain their favorable "greenbelt" property tax status since an easement would leave them with some continued tax responsibility. Their spokesperson suggested they might do "slant drilling" outside the Monument boundary to extract some or all of the oil and gas, mineral, water, and geothermal rights they propose to retain. And they seem to suggest that the City of Albuquerque give them "open space credits" for part of their land in the conservation easement acquired by the Federal government.

Grazing cattle, along with the barbed wire fences, stock watering tanks, and range roads, would create a potential liability for the visitors to the Monument, and those grazing areas would in all liklihood be kept off limits to the public for this reason. There is little enough land as it is now to accomodate the large number of visitors expected to be attracted to Petroglyph National Monument.

The heritage and history of the Atrisco Land Grant is planned for interpretation in the Park Service Visitor Center. There is no reason to construct a separate, competing facility. The present legislation bends over backwards to accomodate the preservation of the identity and history of the Atrisco Land Grant alongside the American Indian culture.

The Sierra Club fails to see what advantages, if any, a conservation easement would have over fee simple acquisition. The Federal government would pay close to 100% of fee simple in order to acquire the "bundle of rights" necessary to administer the Monument. As we pointed out at the field hearing, establishing a National Monument is not an "alienation" of the Grant's land base as claimed by the Atrisco Land Rights Council. The land would be preserved and protected in perpetuity, and what is now an obscure, local history known only to a few would be showcased as part of an interpretive program reaching national audiences. Grant heirs and the public both would be free to use the Monument. The alternative would be not to create a National Monument, and inevitably lose the land to some type of development, whether it would be residential, commercial, or resort-recreational. That loss would certainly be an "alienation."

Secondly, we noted that Representative Dick Minzner testified that funding of the State's $6 million share of land acquisition costs could be arranged to come more quickly through general fund monies if the present commitment of severance tax bond monies proved too slow. In light of the State's clear commitment to do its part one way or another, and the City's equally clear commitment backed up by $14 million in ½¢ tax monies and more in trade lands, it seems inappropriate to exclude the City and State areas from the legislatively-enacted boundary of Petroglyph National Monument. The delegation took this approach last year before the State and City commitments were as firm as they are today. The City also has recently enacted a one-year moritorium on lands most endangered by development in the Monument, and that bill also provides for the City to acquire options or do trades for these most endangered parcels, be they in Federal, State, or City acquisition zones.

In light of these changed circumstances, we recommend that Section 2(a) (1-3), be changed to include all of the approximately 7,274 acres in the Atrisco, Boca Negra, and Piedras Marcadas Units within the legislative boundaries of the Petroglyph National Monument. We should point out that this change will make feasible the exchanges described in Section 3(b) between City-owned lands in the Atrisco Unit and Federal-owned lands in the Piedras Marcadas or Boca Negra Units. Unless these Units are within the boundaries of the Monument, the Park Service cannot acquire them for exchanges with the City.

Thank you for your efforts on behalf of this important legislation. The Sierra Club very much appreciates your consideration of our testimony.

Sincerely yours,

Charles Wiggins

Charles Wiggins, Chairman

cc: NM Delegation

RIO GRANDE CONSULTANTS, Incorporated
Advising in cultural resource management

Matthew F. Schmader
3512 Chalmers SW
Albuquerque NM 87105
(505) 877-0828

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington D.C. 20510
ATTN: David Brooks

REF: Senate Bill 286, Petroglyph National Monument Establishment Act

May 11, 1989

Honorable Senator Bumpers:

I would like to add the following testimony to the Congressional Record related to the establishment of the proposed Petroglyph National Monument. I feel that I am well-qualified to provide these comments since I have been actively involved in preservation efforts to protect the Albuquerque West Mesa petroglyphs for over 6 years. I was the Principal Investigator of the 1985 archaeological survey which identified the national significance of the petroglyphs and associated archaeological sites. I was the senior author of the report documenting this significance (which was entered in to the Congressional record for the October 11, 1988 field hearing [Serial No. 100-64]), and of the nomination which resulted in the petroglyphs and associated sites being placed on the New Mexico State Register and the Federal Register of Historic Places as a historic district. There are several key issues which remain to be resolved and about which I would like to make the following comments:

1. The size of the proposed monument must not be reduced: The National Park Service has done a thorough and excellent job of assessing the area and of creating recommended boundaries. These have gone through extensive review and public commentary, and the NPS Alternative B is an excellent but bare minimum needed for a quality monument with such outstanding resources. I understand that there are proposals to reduce the size of the monument by 200 acres at the base of the volcanic escarpment. This proposal could not have been made by anybody who has actually visited the entire area or appreciates its value. The area at the base of the escarpment has already been scaled back in the establishment of the National Register district and in considerations during local planning efforts and NPS studies. NPS Alternative B offers the absolute minimum that would still allow for a quality experience of the resource. There is no surplus area at the base of the escarpment anywhere, period!

2. A conservation easement is not appropriate for this proposed monument: Recent considerations for implementing a conservation easement in lieu of fee-simple acquisition of the vital Westland holdings threaten to undermine the very creation of the monument. I feel it is preposterous for any landowner to suggest that an easement be granted rather than outright title, and have the landowner suggest that development rights, mineral rights, and grazing rights be retained. This is especially true

in light of the fact that the easement fee would be substantially close to outright purchase costs, and that the NPS would have to assume liability as well. I do not oppose the creation of conservation easements for other purposes; in fact I have worked toward establishing such an easement in the state of New Mexico. The fact of the matter is that New Mexico is not ready to create a uniform conservation easement; such a bill was defeated in just this year's state legislature. In the absence of a state conservation easement, it seems dangerous to establish such a shaky foundation for 1/4 of the proposed monument area. Such an arrangement is not compatible with NPS administrative procedures, since no permanent structures could be constructed and management enforcement would not be clear-cut as in a fee-simple arrangement. A conservation easement component within a national monument would establish a dangerous precedent that could be legally challenged at any time (especially in New Mexico) and would have far-reaching consequences for the entire NPS system.

3. Los Metates and a Rock Art Research Center should be included: The Los Metates site was first recorded on my 1985 archaeological survey. This is a special location where residents of nearby Piedras Marcadas Pueblo stopped on their way to the volcanic escarpment to perform many subsistence activities. Over 24 well-worn grinding areas and other very unique features are present at the site. The city of Albuquerque has recently purchased the Piedras Marcadas Pueblo and the NPS has plans for incorporating this pueblo in the monument concept. Los Metates would fit perfectly within the trail system from the pueblo to the escarpment, a stop-off point nearly as important today as 600 years ago.

A regional rock art research center based within the proposed monument would attract scholars from all over the world to study these and other examples of rock art. Remember that the West Mesa petroglyphs are the largest concentration of rock art near an urban area in the entire world. The proximity of other important Rio Grande style rock art sites and others throughout the state make this an ideal site for such a research center. The monument may well serve as a basis for adding other important nearby Rio Grande style rock art sites. With the study of rock art still in its infancy, the center has the potential to gain an international reputation and provide for interpretation that the public badly needs and desires. This point I am well aware of, for I never cease to be amazed at the enthusiasm for learning more about these images, whether expressed by school children or retirees.

Thank you for this opportunity to provide comments for the record on Senate Bill 286, the Petroglyph National Monument Establishment Act.

Sincerely,

Matthew F. Schmader
President, RGCI

THE WILDERNESS SOCIETY

May 11, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands, National Parks
and Forests
364 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

RE: S. 286, The Petroglyph National Monument Expansion Act of 1989.

Dear Chairman Bumpers and Members of the Subcommittee:

On behalf of the The Wilderness Society's 275,000 members, we appreciate the opportunity to submit comments concerning S. 286, the Petroglyph National Monument Establishment Act of 1989. Please include these comments in the record of the Subcommittee's hearing that was held in Albuquerque, New Mexico, on April 28, 1989.

The Wilderness Society strongly supports the establishment of the Petroglyph National Monument at the West Mesa near Albuquerque, New Mexico. This spectacular collection of some 15,000 Native American and Hispanic rock carvings is nationally significant and deserving of National Monument status and protection. Indeed, the Petroglyph National Monument will be the first National Park System unit established specifically to protect and interpret rock art.

Time is of the essence if we are to save these sacred images for the inspiration and enjoyment of present and future generations. Suburban development is rapidly encroaching upon and degrading both the cultural and natural resources of West Mesa. We urge the Congress to act quickly to establish the monument so that land acquisition and protection can begin.

The Wilderness Society commends the New Mexico delegation for the many improvements made to the legislation over the past year. We would, however, like to recommend some additional refinements which we feel would further strengthen the bill. Please consider the following points as you work toward passage of this important legislation.

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(202) 842-3400

FINDINGS

Section 1(b) adequately describes the national significance of the West Mesa Petroglyphs but fails to mention the severe threats to their existence. We recommend that section 1(b)(8) be modified to read:

> (8) In light of the national significance of the West Mesa Escarpment area and the urgent need to protect the petroglyphs and their environmental setting from rapidly encroaching development, vandalism, theft, and incompatible forms of recreation, it is appropriate that such a national monument be established in the West Mesa Escarpment area, near Albuquerque, New Mexico.

PURPOSES

The National Park Service's West Mesa Petrogylph Study stated that under the preferred alternative for cooperative Federal/State/City management and acquisition, the enabling legislation "would include a strong statement of the purposes of the monument (p.43)." We urge that Section 2(a)(1) be strengthened by including language directing the Secretary of the Interior "...to preserve the integrity of the archeological and historical resources and their natural setting; to provide for the interpretation of these resources; and to facilitate research activities associated with these resources."

BOUNDARIES

The Wilderness Society recommends that the Los Metates site, a discontiguous portion of the escarpment, be included within the monument. This 10-15 acre tract, located between the Piedras Marcadas unit and the Zuris-Mann Site, contains more than 100 petroglyphs, man-made mortars, metates, cupules, a previously excavated cultural site and lava tubes. In our view, inclusion of this tract, which was not addressed in the Park Service study, is important for full representation of the significant archeological and geological features of the West Mesa area.

LAND ACQUISITION

We have carefully reviewed recent proposals by the Westland Development Corporation to preserve portions of the West Mesa Petroglyphs with conservation easements instead of fee acquisition. While conservation easements provide an opportunity to protect resources in some cases, we believe that fee acquisition is preferable where nationally significant resources such as the West Mesa Petroglyphs are involved. The Wilderness Society respects the desire of the Atrisco Land Grant heirs to maintain their land base. We are strongly opposed, however, to the use of conservation easements to establish the fundamental core area of the federal portion of the monument.

Generally, conservation easements are a contractual device used to provide scenic buffers along waterways, to protect viewsheds or to control the types and densities of development adjacent to national park system units. A conservation easement, with reserved rights such as those proposed by the Westland Corporation, is not an appropriate mechanism for establishing and protecting the primary resource area of a national park or monument.

The reserved uses envisioned by Westland -- mineral development, water and geothermal rights, grazing, and a private visitor center -- would limit the National Park Service's authority and ability to manage the monument and protect its cultural, natural and scenic resources to the standards established by Congress for National Park System units. They would also restrict visitor activities and impair the quality of the visitor experience. An area thus compromised would not be of National Park System caliber and might be more appropriately managed as a state park or private reserve.

We urge the Committee to reject the easement proposal and explore a combination of fee acquisition and land exchanges for the federal portion of the monument.

Regarding the provision in Section 3(a) concerning split estates, we are concerned that prohibiting the Secretary from acquiring the surface estate until he has acquired the subsurface estate will result in damage or loss of irreplaceable cultural and natural resources which the monument is being established to protect. We suggest the provision be revised to require acquisition of the land surface before, or at the same time as, the 2,224 acre subsurface estate of the the Cerrillos Land Company. Prompt acquisition of the Cerrilos mineral interests could be accomplished by adding: "...the Secretary shall complete the acquisition of the subsurface estate as promptly as possible, but no later than three fiscal years after the fiscal year of the enactment of this Act." This language, based on the El Malpais National Monument and National Conservation Area enabling legislation, would provide for prompt acquisition and protection of both the threatened surface resources and the subsurface estate.

ADMINISTRATION

We recommend revising Sec. 4 (a) to read: "The Secretary, acting through the Director of the National Park Service shall..." We also suggest adding:

> "The Secretary shall protect, manage, and administer the monument in such manner as to preserve the cultural, natural, scientific and scenic resources, and to provide for research, public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations."

GENERAL MANAGEMENT PLAN

Under Sec. 5(a), we suggest revising lines 20-22 to read: "...a general management plan, which shall describe the appropriate uses and development of the monument, consistent with the purposes of this Act..."

To assure that the General Management Plan (GMP) is consistent with the purposes enumerated in Sec. 2(a), we suggest adding the following provision to Sec. 5(a):

> " a cultural and natural resources management plan for the monument, with special emphasis on the preservation of archeological resources, particulary the petroglyphs, giving high priority within the monument to the enforcement of the provisions of the Archeological Resources Protection Act of 1979, and the Historic Preservation Act, as amended."

The GMP should require that the management, protection, and interpretation of the City owned portion of the Monument shall be consistent with that of the federal portion.

ROCK ART RESEARCH CENTER

The Wilderness Society strongly supports Congressman Richardson's proposed amendment to establish a Rock Art Reserch Center in conjunction with the monument. Such a center would help to fulfill the purposes of the monument by providing scientific information for the preservation, protection, management and interpretation of the petroglyphs at West Mesa and throughout the Southwest.

The Park Service's feasibility study also suggests the possibility of a research center and calls attention to the tremendous opportunity for research and education at West Mesa:

> This extensive concentration of rock art is not only a rich visual gallery of prehistoric and historic artistry, but also an outdoor research laboratory, where important symbolic cultural meaning and values including the roots of contemporary Pueblo Indian iconography, are preserved (p.35).

The report points out that "little is currently understood about the complexity of these cultural resources (p.36)." Besides increasing our knowledge of the pre-historic Indian cultures, the research center could broaden our understanding and appreciation of the Hispanic rock art that is associated with the earlier images. We recommend that both Indian and Hispanic personnel be involved in the center to research and share their cultural traditions.

One possible model for the research center is the Park Service's former Chaco Center which conducted research for the Chaco Culture National Historic Park and its outliers. Public Law 96-550 (Dec. 19, 1980) and the Memorandum of Understanding between the University of New Mexico and the NPS Division of Cultural Research of the Southwest Cultural Resources Center establishing the Chaco Center could provide guidance in planning the rock art center. The expertise of the NPS Spanish Colonial Research Center could be utilized in providing information on the Hispanic rock art and Atrisco Land Grant history.

The Wilderness Society believes the research center will be an important addition to the National Park Service's generally underfunded and understaffed research program.
We request that you incorporate this amendment into the legislation.

MASAU TRAIL

The Wilderness Society recommends that Petroglyph National Monument be added to Masau Trail motor tour route established by the El Malpais enabling legislation.

ADVISORY COMMISSION

The Wilderness Society supports the establishment of a Petroglyph National Monument Advisory Commission. We recommend that Sec. 7(a)(5) be revised to direct that these 2 members be "...appointed from recommendations submitted by the National Park Service."

FUNDING

Regarding Sec. 9, funding for the Monument and Rock Art Research Center must be adequate to ensure the National Park Service is able to purchase land, protect the resources, begin the planning process and establish the research center. Dedicated funding for the research center will be required to prevent the new center from depleting the already inadequate funding of existing programs.

UNSER BOULEVARD

The proposed extension of Unser Boulevard along the boundary of the proposed monument poses a serious threat to the integrity of the resources and the quality of the visitor experience. The Wilderness Society recommends that the National Park Service work with the City and the State to ensure that the proposed extension of Unser Boulevard is limited to a maximum of 4 lanes and designed as a scenic parkway which would be closed to commercial traffic. Such a parkway, landscaped with native plants and noise reducing berms, could serve as a scenic gateway to the Petrogylph National Monument. If allowed to become a commercial freeway, it will severely compromise the public investment and the visitor experience.

Thank you for the opportunity to comment on on S. 286. We hope the Congress will act quickly to preserve this endangered national treasure before the opportunity is lost.

Sincerely,

Brien F Culhane
Brien F. Culhane
Assistant Director
National Parks Program

James W. Norton
James W. Norton
Director
Southwest Region

April 29, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
Washington, D.C. 20510

Attn: David Brooks

Dear Sir:

Please consider the following in regard to S. 286, The Petroglyph National Monument Establishment Act:

1) Acquiring fee simple title to the land to be purchased from Westland Development Co., Inc. This is in keeping with established Park Service practice, and not the substitution of what would be a conservation easement to permit retention by the Company of subsurface and surface rights.

2) To the bill would be mandated in addition, "The Secretary shall protect, manage, enhance, and administer the Monument in such manner as to preserve the integrity of the cultural and natural resources in their historic setting, and to provice for research, public understanding, and enjoyment of the same."

3) The uniting of similar regional rock art units as the Masau Trail Automobile Tour with the view to forming a research center to benefit the general public, combine with the interests of the Pueblo Indian peoples, investigate past and present-day cultures affected, and thus focus on the entire range of artifacts.

4) Including Los Metates, a non-contiguous site owned by Bellamah Community Development, as part of the permanent preserved Monument.

5) Stipulating intent to acquire subsurface mineral rights no later than three years after purchase of surface rights. (Subsurface rights now owned by Cerrillos Land Company within proposed Monument boundaries.)

6) Improving present Unser Blvd. into a no more than four-lane landscaped parkway as the main entry for National Monument visitors.

As these sites pre-date the coming of the White man to the Americas, it is especially urgent that they remain intact as a reminder of the pre-existing but still enduring culture surrounding them. Not without significance is the fact that this and its kindred locations are repositories of great natural beauty, the colorful boulders themselves and the vivid background scenery, a notable spectacle. To retain this permanently is a worthy aim.

It is because of this proposal our own attention was brought to the lasting value of these cultural resources.

Yours very truly,

Tess and George Arnold

625 Silver Street SW, Suite 210
Albuquerque, New Mexico, USA 87102
(505) 243-3696

APR 26 RECD

April 24, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

I was encouraged by Senator Pete Domenici to write my testimony concerning the proposed Petroglyph National Monument to be located in Albuquerque.

The Petroglyph National Monument would be a valuable tourist attraction to the city of Albuquerque. We at the Convention and Visitors Bureau believe that the petroglyphs could become one of our big attractions for visitors. As months have passed we see more interest from newspapers and magazines wanting to learn more about the Petroglyph State Park and its status on becoming a National Monument.

Tourism in Albuquerque is one of our biggest industries, employing more than 23,000 local citizens. Last year 4.7 tourists brought more than $1.22 billion to Albuquerque. These numbers reflect the importance of area attractions and sites to the economy of Albuquerque. In fact, tourism is the number one private employer in our state.

We anticipate the number of visitors to Albuquerque to grow in the next year. And we would be pleased to provide our visitors with a National Monument, housing more than 15,000 Indian rock art designs dating between A.D. 1300 and A.D. 1650. These carvings were created by Anasazi Indians to express ideas from their world. They also served as storytelling devices. The All Indian Pueblo Council members say the petroglyphs are a fundamental link to their heritage. Certain areas of the escarpment are still used by Pueblo Indians for sacred rites.

We would like to see this valuable national resource preserved for all Americans and have it instated as a national monument.

Sincerely,

W. Gary Grimmer
Executive Director
WGG/cg

Albuquerque
CONVENTION AND VISITORS BUREAU

Sallie Martin
460 Sierra SE
Albuquerque, NM 87108
April 28, 1989

The Honorable Dale Bumpers Chairman
Subcommittee on Public Lands
National Park and Forest
364 Dirksen
Senate Office Building
Washington DC 20510

Attention: David Brooks

Dear Senator Bumpers:

This letter supports the preservation of the West Mesa escarpment as a national monument.

It is unique in its geological formation and serves as a definitive contour of Albuquerque's west side. The collection of petroglyphs, although not unique among existing petroglyphs, represents a rich window on the native American past. As development must continue, this remarkable gift of nature to Albuquerque should be preserved for future generations to roam.

Thank you for your kind consideration.

Sincerely,

Sallie Martin

Sallie Martin

FROM: William K. Ghormley
5529 Calle Nuestra NW
Albuquerque, NM 87120

April 29, 1989

TO: Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
Washington, D.C. 20510
ATTN: David Brooks

SUBJECT: Testimony on S. 286, The Petroglyph National Monument Establishment Act

Dear Senator Bumpers:

I would like to ask that the following comments be incorporated as testimony in the record for Senate Bill 286, The Petroglyph National Monument Establishment Act:

1. I am an American Indian. My Cherokee ancestors early recognized that the White Man had more powerful medicine than they, and identified the source of this power as being the "leaves that talk" (books and other written material) and the White Man's God. Knowing that their way of life would soon end, the Cherokee quickly adopted the formal education system of the White Man, and began worshiping the Christian God. In only a couple of decades, the Cherokee lost much of their culture, and their closeness to their lands became their only link to the past. The forced migration to the west, known as The Trail of Tears, brought an end to that link.

   I know little of my ancestors, about how they lived, how they worked, what they taught their children, what games they played. Since most of the knowledge of these things has been lost I will never know. The rock art in the area of the proposed Petroglyph National Monument provides a link to the cultural past of the modern Pueblo Indians. I think it is important that we preserve this link to their ancestors, so that they do not know the cultural deprivation which I have felt. Without links to their past, people seldom have a future. Many native Americans have been robbed of their past, sometimes through greed, sometimes through ignorance. The Petroglyph National Monument provides us with an opportunity to preserve and study the Pueblo Indians' culture, and put a halt to both the greed and the ignorance which threatens their past and their future.

2. It is very important that efforts to establish the National Monument begin soon. Local developers are continuing to apply pressure to the City of Albuquerque to build in the

area. Although the City has enacted a moratorium on development, landowners are continuing to design, seeking to maximize their profit by development (if S. 286 is not enacted), or by raising the value of their land before it is sold to the Government (if S. 286 is enacted).

At one time, the National Park Service had intended to include an area north of the Marsh Peninsula in their proposed boundaries for the Monument. However, development has occurred in this area which has made it totally unsuited to a unit of the Park Service, and it is no longer under consideration. This development, approved by the City of Albuquerque after planning for the National Monument was started, does more than deprive our citizens of especially fine examples of rock art. In creating lots for three houses, the developer has undercut the escarpment, rendering it unstable. Residents of the three houses have found rocks from the escarpment in their yards; one day they will find huge boulders in their living rooms. Such irresponsible development in the area can be stopped only if S. 286, and its companion bill in the House of Representatives, are enacted soon.

3. I am opposed to the conservation easement which the Westland Development Corporation has proposed for lands which they control and to be included in the National Monument. Reasons for my opposition are as follows:

   a. It is clear from testimony given at the public field hearing in Albuquerque on April 28, 1989, that the heirs to the Atrisco Land Grant have no intention of giving up title nor control of land to be included in the Monument. I feel that the insistence of individuals or a corporation on having some control over the Monument is totally inappropriate to a Park Service unit, which is supposed to be managed for the benefit of all citizens. It is not believable that the Atrisco heirs will not attempt to influence decisions to favor their own interests.

   b. As John Cook of the National Park Service testified at the field hearing, the phrase "in perpetuity" may not have the same meaning for our descendants as it does for us. As long as Westland Development Corp. and the Atrisco heirs retain some control, there is a risk that they will attempt to gain additional or complete control for their own benefit. Only outright purchase of both surface and subsurface rights can prevent this.

   c. While there is no question that funding the Monument will be a problem, I feel that the monetary benefit of the conservation easement is not justified in light of the risks mentioned in a. and b. above. Testimony given at the field hearing indicated that the savings of an easement over purchase would be five to ten per cent. I feel that this is inadequate, considering the concessions which would have to be made to Westland Development and the Atrisco heirs.

d. Finally, it was stated at the field hearing that the Atrisco Land Grant heirs have a strong link to the land. The grant was given to them by the King of Spain without any regard for the Pueblo Indians living there, nor for the Indian ancestors who had occupied the land for centuries before the Spaniards became aware of its existence. If the claim of "ancestral link to the land" is considered valid, then it seems to me that the Pueblo Indians have the stronger claim.

4. It was my privilege a few days ago, along with one of my neighbors, to conduct a guided tour of some of the petroglyphs which would be part of the National Monument. The tour was for Dr. Pisit, who is from Bangkok. Dr. Pisit is the head of the Archeology Department of Thailand. Although there are great differences in the cultures of Thailand and the pueblo Indians, Dr. Pisit was enthralled by the quality of the rock art, and was disappointed that he did not have more time to spend here. He took photographs of every petroglyph we could find, often climbing some distance to get a better camera angle. While there is agreement that the Petroglyph National Monument will be a great national treasure, we should not overlook the fact that it will be an international treasure as well. Albuquerque's petroglyphs are as important to world culture as the Cave of Lascaux in France and the Valley of the Kings in Egypt.

I would like to thank you for holding the field hearing in Albuquerque, and for the opportunity for testifying for the Petroglyph National Monument. My thanks also go to Senators Bingaman and Domenici, and to Representatives Richardson and Schiff, for conducting the hearing. I hope that my testimony will be of help in establishing the National Monument.

Sincerely yours,

William K. Ghormley

copy to: Senator Bingaman
Senator Domenici
Representative Richardson
Representative Schiff

April 30, 1989

Senator Bumpers:
Subcommittee on Public Lands, National Parks & Forests

Please incorporate my testimony in the record for S. 286 - Petroglyph National Monument Establishment Act - Albuquerque, N.M.

The Park service needs comprehensive legal authority to protect and manage its lands in perpetuity. The bill's findings & purposes need to be strengthened to guarantee consistent NPS and city management. The Los Metates site should be included within the boundaries of the monument. The federal government should work with the city and state highway authorities to make Unser Blvd, the main entry road for most visitors, a landscaped parkway. A regional rock art research and education center should be added to the bill.

Sincerely,
MariaLee Madle
1501 Indian School NE # D302
Albuquerque, NM 87102

May 1, 1989

Pascale Vial
719 13th St. NW
Albuquerque, NM 87102

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands
364 Dirksen Senate Office Bldg.
Washington, D.C. 20510

ATTN: David Brooks

I am writing in regards to S. 286, the Petroglyph National Monument Establishment Act. Please record my testimony in support of naming the Albuquerque site a national monument. I recently visited athe site with the Sierra Club. The Petroglyphs are rich in historical significance and scientific possibitlities. They are a link to the past and present, and deeply religious/mythological artifacts that should not be disturbed for the sake of urban sprawl. They need to be protected from misuse from future generations.

**The Park service here needs comprehensive legal authority to protect and manage its lands in perpetuity.

**The bill should be strengthened to guarantee consistent NPS and city management, to protect it from vandalism and assure preservation.

**Establishment of a regional rock art research and education center should be added to the bill. It would encourage studies of pueblo cultures, interest tourists, and serve as a focal point for studies of the rock art history of the Southwest area.

**The Los Metates site should be included within the boundaries of the PNM. It includes some unique lava formations and art not found in other areas, and is the only area remaining outside of the established boundaries.

**Subsurface mineral rights should be acquired after the surface rights are required, not before.

**The Federal government should work with city and state highway authorities to make Unser a parkway. Make it attractive and accessible for visitors to insure the investment of the Fed. govt.

Please retain and protect the environment of this ancient site, so much a distinct and unique part of United States history.

Thanking you for your support,

Pascale Vial

Pascale Vial

MARGUERITE ("MARTY") DRUM
THOMAS VILLAGE
2408 DON PEDRO N. W.
ALBUQUERQUE, NEW MEXICO 87104

May 3, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
Nat. Parks and Forests
364 Dirksen Senate Office Bldg
Washington, DC 20510

Att: David Brooks
Re: S 286

Sirs:

I write you on behalf of the PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT.

Please include these points for consideration.

The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.

The Bill's findings and purposes need to be strengthened to guarantee consistent NPS and City manggement.

Establishment of a regional rock art research & and education center should be added to the bill.

The Los Metates Site should be included within the boundaries of Petroglyph National Monument.

Subsurface mineral rights should be acquired after the surface rights are acquired, not before.

Recommend that the federal government work with city and state highway authorities to make Unser a parkway.

I appreciate your attention and will follow closely the progress your committee makes in successfully saving these national treasures for all time to come.

Yours truly,

Marguerite Drum

May 5, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510
ATTN: David Brooks

Dear Senator Bumpers,

Please incorporate these points, as endorsed by myself, into the record for S.286 concerning the Petroglyph National Monument Establishment Act:

1. The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.
2. The bill's findings and purposes need to be strengthened to guarantee consistent NPS and city management.
3. Establishment of a regional Rock Art Research and Education Center should be added to the bill.
4. The Los Metates site should be included within the boundaries of Petroglyph National Monument.
5. Subsurface mineral rights should be acquired after the surface rights are acquired, not before.
6. Recommend that the Federal Government work with city and state highway authorities to make Unser Blvd. a parkway.

Sincerely,

Mary E. Clark
1117 Copper NE
Albuquerque, NM
87106

May 5, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510
ATTN: David Brooks

Dear Senator Bumpers,

Please incorporate these points, as endorsed by myself, into the record for S.286 concerning the Petroglyph National Monument Establishment Act:

1. The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.
2. The bill's findings and purposes need to be strengthened to guarantee consistent NPS and city management.
3. Establishment of a regional Rock Art Research and Education Center should be added to the bill.
4. The Los Metates site should be included within the boundaries of Petroglyph National Monument.
5. Subsurface mineral rights should be acquired after the surface rights are acquired, not before.
6. Recommend that the Federal Government work with city and state highway authorities to make Unser Blvd. a parkway.

Sincerely,

Jaye Ol[illegible]
909 15th NW
Albuquerque NM
87104

May 5, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510
ATTN: David Brooks

Dear Senator Bumpers,

Please incorporate these points, as endorsed by myself, into the record for S.286 concerning the Petroglyph National Monument Establishment Act:

1. The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.
2. The bill's findings and purposes need to be strengthened to guarantee consistent NPS and city management.
3. Establishment of a regional Rock Art Research and Education Center should be added to the bill.
4. The Los Metates site should be included within the boundaries of Petroglyph National Monument.
5. Subsurface mineral rights should be acquired after the surface rights are acquired, not before.
6. Recommend that the Federal Government work with city and state highway authorities to make Unser Blvd. a parkway.

Sincerely,

Eileen Gruend,
586 Spruce Lane
P.O. Box 5164
Sugarloaf, Cal.
92386

May 5, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510
ATTN: David Brooks

Dear Senator Bumpers,

Please incorporate these points, as endorsed by myself, into the record for S.286 concerning the Petroglyph National Monument Establishment Act:

1. The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.
2. The bill's findings and purposes need to be strengthened to guarantee consistent NPS and city management.
3. Establishment of a regional Rock Art Research and Education Center should be added to the bill.
4. The Los Metates site should be included within the boundaries of Petroglyph National Monument.
5. Subsurface mineral rights should be acquired after the surface rights are acquired, not before.
6. Recommend that the Federal Government work with city and state highway authorities to make Unser Blvd. a parkway.

Sincerely,

Caitlin Oliver
365 Avenida Andorra
Cathedral City, CA 92234

May 5, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
Washington, DC 20510
ATTN: David Brooks

Dear Senator Bumpers,

Please incorporate these points, as endorsed by myself, into the record for S.286 concerning the Petroglyph National Monument Establishment Act:

1. The Park Service needs comprehensive legal authority to protect and manage its lands in perpetuity.
2. The bill's findings and purposes need to be strengthened to guarantee consistent NPS and city management.
3. Establishment of a regional Rock Art Research and Education Center should be added to the bill.
4. The Los Metates site should be included within the boundaries of Petroglyph National Monument.
5. Subsurface mineral rights should be acquired after the surface rights are acquired, not before.
6. Recommend that the Federal Government work with city and state highway authorities to make Unser Blvd. a parkway.

Sincerely,

Rosemary McCourt
1010 Fruit Ave NW
Albuquerque, N.M 87102

Vivian A. Fernández
8920 2nd NW #5
ABQ NM 87114

5-6-89

Dear Chairman,

I am writing with the intention that this letter be included in the record for S. 286.

Either we will have a quality national park to preserve the petroglyphs, educate visitors, and provide significant research, or we won't. It's simple. Let's do it right the first time - we will not have another opportunity. As we debate their virtues, the petroglyphs are being vandalized and their cultural and historical value lost. Please come and see what a magnificent heritage the West Mesa rock art and other related sites are!

Las Metates should be included within the boundries of the monument. The park itself needs comprehensive legal authority to protect and manage its lands in perpetuity, surface and eventually sub-surface. The main entrance, Unser boulevard, must be a parkway free from heavy truck traffic. Federal beautification funds could be tapped to support city and state efforts.

The establishment of a rock art research and education center is a top priority and should be added to the bill. This center would tie together other units in the Masau Trail automobile tour and add much to the appeal of other developed centers in attracting visitors and researchers.

Please take this recommendation for a lasting monument one that we can all be proud of, in serious consideration. Thank you!

Sincerely,

Sondra Redwood

May 7, 1989

Senator Dale Bumpers
Chairman, Subcommittee on Public Lands, Natl Parks, &Forests
364 Dirksen Senate Office Bldg.
Washington, DC 20510

(Attention: David Brooks)

Dear Sir:

I request that my testimony be incorporated in the record for S. 286, pertaining to the proposed Petroglyph National Monument near Albuquerque, New Mexico.

The findings ought to state that ENVIRONMENTAL QUALITY OF THE HISTORIC SETTING FOR THE PETROGLYPHS IS BEING DEGRADED AND VERY SERIOUSLY ENDANGERED BY RAPIDLY ENCROACHING DEVELOPMENTS, VANDALISM, AND INAPPROPRIATE FORMS OF RECREATION.

The "purposes" should respond by indicating THE SECRETARY SHALL PROTECT, MANAGE, ENHANCE, AND ADMINISTER THE MONUMENT IN SUCH A MANNER AS TO PRESERVE THE INTEGRITY OF THE CULTURAL AND NATURAL RESOURCES IN THEIR HISTORIC SETTING, FOR THE BENEFIT OF RESEARCH, PUBLIC UNDERSTANDING, AND ENJOYMENT OF THESE RESOURCES.

An additional point is that subsurface mineral rights should be acquired after the surface rights, and not before. I live here, and the threats of irreparable damage to the surface are absolutely desperate.

Because of the proximity to the escarpment of the city of Albuquerque's proposed UNSER BOULEVARD, the federal government ought to work with the city and state highway authorities to make UNSER BOULEVARD a parkway. (You would almost need to stand on the platted route of Unser to really see how close it would come roaring past some of the most important portions of the escarpment -- believe me, a beverage container thrown from a car window could easily land among some petroglyphs that I am familiar with.)

Sincerely,

Ralph H Carden

Ralph H. Carden
6704 Loftus Ave., N.E.
Albuquerque, NM 87109

Rt. 2, Box 300
Santa Fe, NM 87505
May 8, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Senate Office Building
Washington, D. C. 20510 - Attn. David Brooks

Honorable Chairman Bumpers, Senators Bingaman and Domenici, and Members:

I wish to voice my support for the Petroglyph National Monument Establishment Act, s. 286. These petroglyphs are a fragile cultural resource that is currently threatened by vandalism and development as Albuquerque encroaches on the West Mesa escarpment.

In order to adequately protect the historic and natural setting, the context of the petroglyphs, the National Park Service needs comprehensive legal authority to manage and protect the area in perpetuity. The conservation easement option proposed by Westland Development Corporation would not give the National Park Service this ability.

I also urge that the Los Metates site be included within the boundaries of the Petroglyph National Monument, and that the federal government work with city and state highway authorities to limit development of highway expansions near and through the proposed national monument. The establishment of major commercial expressways in this area would be deleterious to the quality of a national monument.

Finally I urge that due to complications inevitable in any delay in acquiring the surface land for a national monument that subsurface mineral rights be acquired after the surface rights, and not before.

Thank you for the opportunity to offer comments on S. 286. I truly hope that Congress will be able to take the necessary action to establish Petroglyph National Monument.

Sincerely,

Polly Schaafsma

Polly Schaafsma

ENVIRONMENTAL POLICY INSTITUTE

May 10, 1989

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
364 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

RE: S.286, The Petroglyphs National Monument Act of 1989

Dear Chairman Bumpers and Members of the Subcommittee:

On behalf of the Environmental Policy Institute/Friends of the Earth/Oceanic Society, I welcome this opportunity to provide comments on S.286, the Petroglyphs National Monument Act of 1989. Please include these comments in the record of the Subcommittee's hearing that was held in Albuquerque on April 28, 1989.

The West Mesa Petroglyphs is an area of outstanding value for residents of Albuquerque and citizens throughout the country. This unique collection of rock art has national significance and is fully worthy of lasting protection by the National Park Service.

We strongly support the establishment of the Petroglyph National Monument. Time is critical if we are to save these sacred images for the inspiration of present and future generations. Encroaching suburban development, vandalism and theft are degrading both the cultural and natural resources of West Mesa. We urge the Congress to act quickly to establish the monument so that land acquisition and protection can begin before it is too late.

While conservation easements provide an opportunity to protect resources in some cases, we feel that fee acquisition is preferable where nationally significant resources such as the West Mesa Petroglyphs are involved. We oppose the use of conservation easements to establish the federal core of the national monument and encourage the committee to explore the possiblity of land trades or the use of Land and Water Conservation Funds in order to acquire fee title to the monument lands.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Brent Blackwelder
Vice President

218 D Street, S.E., Washington, D.C. 20003 (202) 544-2600

May 5, 1989

Sen. Dale Bumpers
Subcommittee on Public Lands
364 Dirksen Senate Office Building
Washington, D.C.

Dear Senator Bumpers,

Please incorporate in the record my Testimony for S. 286, the Petroglyph National Monument Establishment Act.

I appreciate all the work that has been done on this bill so far. As a member of the Friends of the Albuquerque Petroglyphs, I want the best conditions for the establishment of this National Monument. Westland Development Company has decided not to sell fee simple title to the land needed for a conservation easement. They want to retain subsurface and some surface rights. This undermines the Park Service's legal authority to protect and manage the land in perpetuity. Retention of subsurface rights seems in direct opposition for the reason of establishing a conservation easement and should not be agreed to in S. 286.

I feel that S. 286's purpose needs to be strengthened to guarantee consistant NPS and city managment. The purpose should mandate "The Secretary shall protect, manage, enhance, and administer the Monument in such a manner as to preserve the integrity of the cultural and natural resources in their historic setting, and to provide for research, public understanding, and enjoyment of the same."

Establishment of a regional rock art research and education center should be added to the bill to enable the interpretation of the petroglyphs and the related historic Pueblo Indian units also in the area.

It would be good to include the Las Metates site within the boundries of the National Monument. It has over 100 petroglyphs, including a rare form of rock art called cuples, together with 23 bedrock mortars & metates, and several lava tubes. This will require negotiations with the owners, Bellamah Community Development.

The acquisitions of subsurface mineral rights from the Cerrillos Land Co. of some of the land in the proposed Monument boundries is holding up the acquisition of that land, a delay that further endangers the area. Instead, S. 286 could require that subsurface rights be aquired NO later than 3 years after the surface rights.

Since Unser Boulevard will be the main entry to the Monument, it is essential that it be an attractive, high quality parkway landscaped with native plants and definately made off limits to heavy truck travel, as well as limited to four lanes of traffic. Possibly Federal Highway Beautification funds could be used to support city & state efforts.

Sincerely,
Dianne Cress

DIANNE CRESS
256 ZENA LONA N.E.
ALBUQUERQUE, NM 87123

7217 Sacate Alto NW
Albuquerque, NM 87120
May 1, 1989

Sen. Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks + Forests
364 Dirksen Senate Office Bldg.
Washington, DC 20510

Attn: David Brooks

Dear Mr. Brooks:

I want my voice to be heard on S.286, The Petroglyph National Monument Establishment Act. Making this bill a reality this year is so important when you considering the high speed of encroaching development and the vandalism that occurs on these unprotected lands. The rock art in quantity and quality in this area of Albuquerque's West Mesa needs a protector fast. Studies and interpretations of these petroglyphs have barely begun, but this is the area where Albuquerque is growing the fastest. Westland

Development wants to offer a conservation easement on a large portion of the land, but the Park Service needs total control to manage the lands in perpetuity.

Another important aspect of the bill is the creation of a Regional Rock Art Research and Education Center. The rock art is recent enough that explanations and interpretations can be gathered from contemporary Pueblo Indian Culture, directly involving Pueblo Indian People and educating the public about its living cultural importance.

This is the year to save the Petroglyphs. Next year is too late.

Sincerely yours.

Karen A Kennedy

May 2, 1989

Senator Dale Bumpers
Chairman Subcommittee On Public Lands
364 Dirksen Senate Office Building
Washington, D.C. 20510

Attention: David Brooks

I am a resident of the West Mesa area of Albuquerque, New Mexico. This is the area being considered for the proposed Petroglyphs National Monument. I have witnessed the rapid and blatant development of this land by commercial interests. Residential construction is now encroaching directly upon the proposed park site. This has resulted in the dumping of trash and construction materials in the proposed site. Many of the petroglyphs themselves have been irreversibly vandalized. I have helped with the volunteer clean up efforts and have seen the damage already done. This brutal destruction of this venerable land is uncontrollable.

It is imperative that Congress designate this area as a National Monument so that the appropriate measures can be implemented to save this historic treasure. Time is of the essence. In a few more years this entire area will be desecrated and lost forever.

I urge you to support the passage of S. 286, the Petroglyph National Monument Establishment Act, this year.

I ask that this letter be incorporated in the record for S. 286.

Sincerely,
Dennis Anderson
Dennis Anderson
5405 Vista Cielo NW
Albuquerque, NM 87120

April 24, 1989

The Honorable Dale Bumpers 15
Chairman, Subcommittee on Public Lands
National Parks and Forests.

Dear Senator Bumpers:

I am writing in reference to S 286, Petroglyph National Monument Establishment Act of 1989.

This is an unique area close to a metropolitan area thus available to many people.

I urge, you to consider this park favorably.

Very truly yours

Marian S Hight
518 Alvarado, N.E
Albuquerque, N Mex
87108

Martha H. Jordan
506 Rincon de Romos
Rio Rancho, New Mexico 87124

April 29, 1989

The Honorable Senator Dale Bumpers
364 Dirksen, Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Bumpers,

Although I could not attend the hearing in regard to the establishment of the Petroglyph National Monument, I wish to express my wish that such a monument be made.

The petroglyphs at Albuquerque, New Mexico are a unique and wonderful treasure that must be preserved from encroachment by building, and from vandalism.

Please incorporate my sincere wishes in the record for S 286. Please add to the bill a regional rock art research and education center. Also, subsurface mineral rights should be acquired after the surface rights are acquired. Add that Unser Blvd. be made a Parkway.

Thankyou for considering my testimony.

Sincerely,

Martha H. Jordan

04/29/89

Senator Bumpers

Please include the following comments in the record for S286

1. The Park Service needs comprehensive legal authority to manage & protect its lands in perpetuity. Purchase lands for the monument in fee simple title - not just scenic easement.
2. Mandate: The secretary shall preserve the cultural and natural resources in their historic setting - prevent vandalism & inappropriate forms of recreation.
3. Establish a regional rock art research & education center.
4. Include the Los Metate site.
5. Acquire surface rights first and subsurface mineral rights later.
6. Federal government should work with city & state highway authorities to make Unser a parkway - landscaped with native plants, off limits to heavy trucks & limited to 4 lanes.

James V. Lewis

Mr James V Lewis
3401 Mars Rd NE
Albuquerque NM 87107